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THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED, "THE PARLIAMENTARY DEBATES."

VOL. XIII.

A. D. 1743—1747.

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PREFACE.

THE Volume now presented to the Public brings the Parliamentary History of England down to the Year 1747. The Reader will, it is hoped, perceive that the zeal and diligence which were employed on the preceding parts of this Work have not been remitted in the present; in which it will be seen, that the anxious exertions of the Editor to obtain Authentic Materials for supplying the deficiencies of connected Parliamentary Information during the great chasm between the years 1743 and 1774* have hitherto been eminently successful. The source from which have been derived the reports of ~~each~~ Debate is mentioned in the pages where the reports occur. In a future Volume will be inserted a fuller account of those Materials, and more particular mention of the Distinguished Persons by whose kindness this important portion of the Work has been rendered so highly valuable. But the Editor cannot suffer the present Volume to appear, unaccompanied by his most grateful acknowledgments to the EARL OF HARDWICKE, for the communication (among various Notes of Debates and other Papers in which accounts are given of what passed in Parliament) of the interesting Manuscript PARLIAMENTARY JOURNAL OF THE HONOURABLE PHILIP YORKE, eldest son of Lord Chancellor Hardwicke, containing an Account of the Debates from the Opening of the Third Session of the Ninth Parliament of Great Britain in December 1743, to the tenth of April 1745.

* See the Preface to Vol. XI.

LONDON, 5, *Panton Square*,
December 14, 1812.

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Just published, in Royal Octavo, by the Proprietors of this Work,

THE SIXTEENTH VOLUME OF

A COMPLETE COLLECTION OF STATE TRIALS,

FROM THE EARLIEST PERIOD

TO THE PRESENT TIME;

With Notes and other Illustrations, compiled by

T. B. HOWELL, ESQ. F. R. S. F. S. A.

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1743.	- - - - - - - York	Thomas Herring, translated from Bangor.

Bishops.

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1743.	- - - - - Bangor.....	Matthew Hutton.
1743.	- - - - - Bath and Wells	Edward Willes.
1738.	- - - - - Bristol	Joseph Butler.

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[*Bishops continued.*]

1740.	Bishop of Chichester	Matthias Mawson.
1730.	- - - - - Coventry and Litchfield	Richard Smalbrooke.
1743.	- - - - - St. David's	Richard Trevor.
1738.	- - - - - Ely	Robert Butts.
1743.	- - - - - Exeter	Nicholas Clagett.
1734.	- - - - - Gloucester	Martin Benson.
1723.	- - - - - Hereford	Henry Egerton.
1746.	- - - - -	Lord James Beauclerk.
1740.	- - - - - Landaff	John Gilbert.
1740.	- - - - - Lincoln	John Thomas.
1723.	- - - - - London	Edmund Gibson.
1738.	- - - - - Norwich	Thomas Gooch.
1737.	- - - - - Oxford	Thomas Secker.
1728.	- - - - - Peterborough	Robert Clavering.
1731.	- - - - - Rochester	Joseph Wilcocks.
1738.	- - - - - Salisbury	Thomas Sherlock.
1734.	- - - - - Winchester	Benjamin Hoadly.
1743.	- - - - - Worcester	Isaac Maddox.
1734.	- - - - - Carlisle	Sir George Fleming, Bart.
1726.	- - - - - Chester	Samuel Peploe.
1730.	- - - - - Durham	Edward Chandler.

LORD HIGH CHANCELLOR.

1737. Feb. 21. Philip, Lord Hardwicke, (created Viscount Royston, and Earl of Hardwicke, 1754.)

PRINCIPAL SECRETARIES OF STATE.

1742.	Feb. 12.	John, Lord Carteret, vice Lord Harrington.
1744.	Nov. 24.	William, Earl of Harrington, vice Lord Carteret.
1746.	Feb. 10.	John, Earl Granville, vice Lord Harrington.
	Feb. 14.	Thomas Holles, Duke of Newcastle / William, Earl of Harrington } Vice Earl Granville.
	Nov. 4.	Philip Dormer, Earl of Chesterfield, vice Lord Harrington.

SPEAKER OF THE HOUSE OF COMMONS.

1727, 1735, 1741. Arthur Onslow, Esq.

COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH TREASURER OF ENGLAND.

1742.	Spencer, Earl of Wilmington.
February.	Samuel Sandys, Esq. Chancellor of the Exchequer.
	Hon. George Compton (afterwards Earl of Northampton.)
	Sir John Rushout, bart.
	Philip Gybbon, esq.
1743.	
August.	Hon. Henry Pelham, Chancellor of the Exchequer.
	Hon. Geo. Compton.
	Philip Gybbon, esq.
	Charles, Earl of Middlesex (afterwards Duke of Dorset).
	Henry Fox, esq. (afterwards Lord Holland).

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[*Commissioners continued.*]

1744.
December. Hon. Henry Pelham, Chancellor of the Exchequer.
Charles, Earl of Middlesex.
Henry Fox, esq.
Hon. Richard Arundel.
George Lyttelton, esq. (afterwards Lord Lyttelton).

1746.
June. Hon. Henry Pelham, Chancellor of the Exchequer.
Charles, Earl of Middlesex.
George Lyttelton, esq.
Hon. Henry Bilson Legge.
John Campbell, esq.

MASTER OF THE ROLLS.

1741. Nov. 7. William Fortescue, esq.

ATTORNEY GENERAL.

1737. Jan. 26. Sir Dudley Ryder, knt.

SOLICITOR GENERAL.

1742. Nov. 27. Hon. William Murray (afterwards Lord Mansfield.)

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Winnington, Thomas, 23, 144, 145, 170, 389, 649, 699, 895, 1016, 1187, 1226, 1267, 1371.
Wynn, Sir Watkin Williams, 1054, 1204, 1248.

Yonge, Sir William, 139, 386, 463, 998, 1075, 1155.
Yorke, Philip, 150, 389, 986.

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Parliamentary History.

16 GEORGE THE SECOND,

A. D. 1743.

*DEBATE in the Commons relating to the Remittance of Public Money to the Army**.] March 10, 1743. The House of Commons having resolved itself into a Committee of the whole House to consider of the Papers relating to the remitting abroad of any public Money, and having also examined several persons relating thereto,†

Mr. *Waller* rose and said:

Sir; from the papers laid before you by order of the House, from those produced by the witnesses you have examined, particularly Messrs. Wilkinson and Muilman, and from the information those witnesses have given you, I shall state as methodically, as fairly, and as impartially as I can, the matters of fact relating to those contracts for remitting our money abroad, and the manner in which they were entered into, in order that you may judge, whether the affair now under your consideration deserves your censure, or your approbation. But because the business of exchange may not, perhaps, be thoroughly understood by many gentlemen in this House, I shall first explain that mystery as briefly and clearly as I am able.

* From the London Magazine.

† "The strongest point which the gentlemen in the opposition now wanted to bring against those in the administration, was the management of the vast remittances necessary for paying the troops in British pay abroad. Mr. Gore, a merchant of very great eminence, had been the ordinary remitter for the government for the payment of the troops; and upon their being ordered abroad, he proposed, on the 29th of April 1742, to the lords of the treasury, to give his bills on Amsterdam for such sums as should be wanting for the service of the said troops, upon his receiving the value thereof at the rate of 10 guilders 11¼ stivers current money of Amsterdam for each pound sterling.

"By this the reader is to understand, that for every 20 shillings Mr. Gore received in London, he was to pay no more at Amsterdam than 10 guilders 11¼ stivers; and his proposal was agreed to by the lords of the treasury, without their treating with any other remitter. But the current exchange between London and Amsterdam being then at the rate of 10 guilders 18 stivers for a pound sterling, some gentlemen thought that 7¾ stivers profit upon every pound sterling in so very large a sum, was too great. Accordingly, on the 17th of July 1742, Mr. Gore gave in another proposal, offering to remit at the rate of 10 guilders 13 stivers per pound sterling, not doubting, but in case the rate of exchange should decline, their lordships would give him relief. The board agreed likewise to this proposal for the next remittances. But on the 26th of October 1742, Wilkinson and Muilman, two very eminent Dutch merchants residing at London, gave in other proposals to the board of treasury, offering to remit at the rate of 10 guilders 16 stivers per pound sterling. This they proposed to do by transporting foreign gold or specie to keep up the course of exchange: but they said they intended to remit as much by bills of exchange on Amsterdam and other places to be negociated there, as the nature of the affair would permit.

"The lords of the treasury referred Mr. Gore's and Mr. Muilman's proposals to Mr. Pelham, who was then paymaster of the forces. Mr. Pelham having accordingly weighed with his usual candour, which was very great, both proposals, applied to some gentlemen of undoubted credit and reputation, as he certified in his answer to the treasury-board, and one of them of great experience in those matters, and quite unconnected with the affairs of the government, whose opinion it was, "That the propsal of Mr. Gore, Mr. Gulston, and Mr. Poyntz, at the rate of 10 guilders 13 stivers current money of Holland, considering the great sums that will probably be remitted this year, are rather bold undertakings than other-

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Exchange, Sir, is, properly speaking, the price or premium that is paid or received for carrying gold or silver from one country to another. For example, if a man were going to Holland, and wanted to carry 1,000*l.* or 250 ounces of gold thither, (which I shall suppose to be of that value) he must either carry it himself, or pay some person for taking the trouble, and running the risk to carry it for him; and if in a month's time he were to come back again, and to bring the same quantity of gold along with him, he must

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wise, and that in their opinion, if accepted, will tend to the service of the public." Mr. Pelham likewise observed, that the certainty of Mr. Gore's remittances, who transacted these affairs at the house of Messieurs Pells and Clifford, was a great security to the government; because whatever sums might be required, there could be no danger of a disappointment. "Upon the whole, (continued he in his answer,) as I have made the best enquiry I could within the time allotted me, I beg leave to observe to your lordships, that if Messieurs Muilman and Wilkinson effectually carry on these remittances at the rates they propose, the difference of 3 stivers upon every pound sterling will be a great advantage to the public. But as they propose to make trial for only two or three remittances at the rate of 10 guilders 16 stivers per pound sterling, without fixing any continuance of time or certainty of the sum they will remit at that rate, from which uncertainty the government, as I apprehend, may be laid under great difficulties, and thereby the public service may suffer; and as Mr. Gore has assured, that he, Messieurs Gulston and Poyntz, look upon themselves as bound by their proposals for one year certain; and in consideration that, for the time past, this service has been carried on with great exactness and punctuality, which is of the greatest consequence to the public, I submit it to your lordships, whether the present advantages arising by these proposals, will be thought a proper inducement to your lordships to put this transaction into other hands, and whether any alterations in this affair, at this juncture, may not be attended with great inconveniences. As it is necessary forthwith to make a large remittance for the service of the troops abroad, I humbly pray your lordships' directions, which is submitted to your lordships."

"But four days before this report was made, Muilman and Wilkinson delivered to the paymaster another proposal, viz. "That they are ready to furnish at Amsterdam, all the money that may be necessary for his majesty's service, at the rate of 10 guilders 16 stivers current money for the pound sterling, for such a term of time, as contracts of that nature are generally made, the value of their bills being paid them in the same manner as it has been paid to the present contractors, or is customary in the like case; and that if any other person makes proposals for a fixed time, they are ready to do so too."

"Upon the 11th of the same month, the same gentlemen, Muilman and Wilkinson, presented to the board of treasury the following Memorial: "May it please your lordships; On Friday last we delivered to the paymaster general a proposal for remitting to Amsterdam all the money that may be necessary for his majesty's service, in the same manner as we are informed the former remitters have lately done, without saying for what precise time. But it being intimated to us yesterday, that one of those gentlemen had said, that he understood it for a year; if that is the time your lordships desire to receive proposals for, we have one ready to deliver, or else desire to abide by that delivered to the paymaster general."

"Notwithstanding these proposals, the lords of the treasury, on mature deliberation, as well for the reasons stated in Mr. Pelham's report, "as for the allowed ability of the remitters' correspondence in Holland, and the contract for the remittances being for a time certain, and the experience they have had of the punctual and effectual manner in which they have hitherto been carried on, and from the great and irretrievable detriment it would be to the public service if any interruption should happen in the payment of the forces, by making any alterations in the contract at this time, were of opinion it would be for the interest of the public to accept the proposals therein mentioned, of Messieurs Gore, Gulston, and Poyntz."

"Some abuses with regard to the remitting money to Jamaica having been mentioned in the report of the secret committee against the earl of Orford, and great stress having been laid upon them, the gentlemen in the opposition laboured to prove, that the contract with Mr. Gore was a job likewise, because Mr. Muilman had offered to serve the public cheaper. Accordingly motions were made for papers to be laid before the House. The intention of the gentlemen in the opposition by all those preparations, was to distress, and, if possible, obtain a censure upon the lords of the treasury for not complying with the offers of Messrs. Muilman and Wilkinson. Mr. Waller and Mr. Bance, an eminent merchant in London, both of them members, were then in the opposition, and keen for the enquiry. They were perfectly masters of the subject, and it happened that the merchants who were most conversant in those matters, were very little solicitous about concerning themselves in the affair. The defence of the contract, therefore, rested principally upon Mr. Pelham, who without disguising any one circumstance attending it, made the House so sensible of the danger arising from any new contract, that a motion being made for the chairman of the committee to leave the chair, it was carried in the affirmative by a majority of 211 against 182." Tindal.

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do the same. Again, if a man wanted to carry 250 ounces of gold to Holland, and another man, at the same time, wanted to bring 250 ounces of gold from Holland, if there were no dealers in bills of exchange, nor they known to each other, they must both either be their own carriers, or pay a premium for carrying it. To prevent this double trouble and expence, numbers of merchants have, in every country, set up to be dealers in Bills of Exchange, who are a sort of brokers or middle dealers between those who want to carry out money, who are called Remitters, and those who want to bring it in, who are called Drawers; and if between any two countries the quantity of money to be drawn for, and the quantity to be remitted, were at all times exactly equal, neither drawer nor remitter would ever have occasion to pay any thing but a trifle, perhaps a half, or a quarter per cent. to the dealer in bills of exchange for his trouble, and the risk he runs of sometimes taking a bad bill.

But, Sir, as these two quantities are never equal: as the proportion between them is in a continual state of variation, therefore the course of exchange between any two countries must be the same: for bills of exchange, like all other commodities, rise and fall in their price, according to the proportion between the demand and the quantity brought to market; and when the quantity to be remitted, that is to say, carried out of any country to another, is always greater than the quantity to be drawn for, that is to say, brought from that other, the exchange will always be against the former, and its gold and silver will be continually carried out to that country. For example, there is always a greater quantity of money to be carried out from this country to Holland, than there is to be brought from thence hither; consequently, the course of exchange is continually against us, that is to say, every man who has money to remit or carry out from hence to Holland, must pay a premium for it, which is called the Exchange; and no man will bring gold or silver from thence hither, because when he wants to bring money hither, he can, by means of a dealer in exchange, find out several men who want to carry gold or silver to Holland, and will, therefore, give him a premium to save them the trouble, by giving them the gold or silver he has in Holland, in lieu of an equal quantity of theirs here. From hence it is plain, that no man who pays in to a dealer in exchange here, 1,000*l.* sterling, or 250 ounces of gold, can expect to get a bill upon Holland for as much Dutch money as will purchase 250 ounces of gold of equal fineness there; but must expect to be a loser, equal to the amount of this premium or exchange, which is generally between five and six per cent.

I shall next observe, Sir, and I desire gentlemen will take particular notice of what I say, because it is of great importance in this debate; I say, I shall next observe, that the exchange between no one country and another can ever rise much above the value of the risk and trouble of carrying gold and silver from one of these countries to the other; because when it does, the dealers in exchange will carry out, or pay for carrying out gold and silver, in order to have the advantage of drawing. Suppose the value of the trouble and risk of carrying gold and silver from hence to Holland to be equal to 3 per cent. in that case the exchange between Holland and this can never rise to above 6 per cent. or perhaps 6½, upon some very extraordinary occasion. If it should rise to 6 per cent. the dealers in exchange would immediately begin to send over our gold and silver, or at least to pay for sending it over, by purchasing it there from those that do; and the reason is plain, because they pay 3 per cent. for sending it over, and after they have it there, they get 6 per cent. by taking people's money here and giving them bills for it upon Holland, so that they have 3 per cent. clear profit. This practice, therefore, of sending over gold and silver will not only prevent the exchange from rising much above 6 per cent. but will reduce it, and generally keep it lower, perhaps never for any time above 5½ per cent. to our disadvantage. Thus, Sir, if we were to speak properly, the exchange between Holland and this ought to be called high when it is most to our disadvantage, and low when it is least; but as the merchants denominate the exchange high or low according to the number of guilders or stivers they receive in Holland for a pound sterling paid in here, they call it high when it is least to our disadvantage, and low when it is most to our disadvantage. That is, when they receive in Holland 10 guilders 19 stivers for a pound sterling paid here, they call the exchange high, and when they receive but 10 guilders 16 stivers in Holland for a pound sterling paid here, they call the ex-

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change low; and as this is the language of the merchants, I shall conform myself thereto in what I am to say upon the subject. But before I begin to say any thing about the contracts now under our consideration, I must observe farther, that from sir Isaac Newton's table of foreign coins it has been calculated, that when we receive but a little more than 10 guilders 16 stivers, current money in Holland, for a pound sterling paid here, the exchange is then above 5¼ per cent. to our disadvantage; consequently, if we were to receive but 10 guilders 16 stivers current money in Holland for a pound sterling paid here, it would be about 6 per cent. to our disadvantage; and therefore, from what I have before observed, it is apparent, that the exchange can never fall much below 10 guilders 16 stivers for a pound sterling, at least as long as we have any such thing as gold or silver in the kngdom; for when it falls lower than that, the dealers in bills of exchange will certainly begin to export our gold and silver, or to pay for exporting it, to the end they may draw bills for it, because of the great profit to be got by that traffic; and this will necessarily raise the exchange again to 10 guilders, 17, perhaps 18 or 19 stivers, current money of Holland, for a pound sterling paid in here. This observation is confirmed by experience; for, notwithstanding the great and extraordinary remittances to Holland this last year, we find the exchange has sunk but a very little, and has never continued long under 10 guilders 16 stivers, current money, or 34 shillings 4 groots Flemish, bank money, (which is the same value) for the pound sterling.

Having thus explained the nature of exchange, Sir, and particularly that between Holland and this country, I shall proceed to examine the contracts under our consideration, and I must begin with taking notice that in March or April last, when it was resolved to send a large body of our troops to Flanders, the exchange between Holland and this was at 34 shillings 8 groots Flemish, bank money, for the pound sterling, which is about 10 guilders 18 stivers Dutch money per pound sterling. When this measure was resolved on, the lords of the treasury could not but know or foresee, that they would soon have occasion for remitting large sums of money to Holland; therefore they should have carefully examined the current rate of exchange, and the probabilities of its rising or falling; and likewise they should have examined into the practice of the treasury upon such occasions, in former times, especially during the late war in the Queen's time. If they had done this, they would have found, that there was no probability of the exchange falling above 2 or 3 stivers in a pound sterling below the then current rate, and they would have seen, that in former times, upon every such occasion, the custom of the treasury was, as soon as it was proper to let the thing be known, to signify to the chief dealers in bills of exchange, that the public would soon have occasion to remit large sums to such a country, to Holland for example, and that the treasury were ready to receive proposals sealed up for that purpose: they would likewise have seen, that when such proposals were delivered in, the treasury had always, without any respect to persons of equal character and credit, given the job to the highest bidder, and that if any two or three bidders were equal, it was equally divided among them.

Did they do any such thing, Sir, upon this occasion? I am sure, it does not appear from their minutes, that they did; and as no bidder appeared but one, I mean Mr. Gore, it is highly probable, he had a private hint given him by somebody, and accordingly, April 29th, 1742, he presents his proposal to the lords of the treasury in these words: "Being informed, that his majesty has commanded a body of troops upon foreign service, I humbly propose to give my bills on Amsterdam for such sums as shall be wanting for the service of the said troops, upon my receiving the value thereof, after the rate of 10 guilders 11 stivers and a half current money of Amsterdam, for each pound sterling, which shall be payable as follows, viz. two thirds at eight days sight, and one third at one month after date."

This extraordinary proposal, Sir, should have shewn them, how necessary it was to give notice to other dealers to give in their proposals, especially as there was sufficient time for that purpose; for this proposal was no less than 6½ stivers per pound sterling below the then current rate of exchange, and consequently was an advantage of above 3 per cent. to the drawer, beside the profit which every drawer, in the common way has for his trouble in remitting other people's money; for even at ten guilders 18 stivers per pound sterling, the drawer must have a profit, otherwise he would

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not take the trouble of receiving other people's money, and giving his bills for it, nor would he run the risk of keeping his money in Holland for that purpose, or of taking bad bills in order to have it back again. Nay, Sir, this proposal was 4½ stivers below what the exchange could in any probability fall to, and, consequently, was above 2 per cent. almost certain to the advantage of the drawer, beside his usual profit upon drawing.

There was, therefore, the highest reason to reject this proposal with contempt, and to recur to the ancient custom of the treasury; but what did these lords commissioners of the treasury do? Why, Sir, they instantly, and without the least objection or consideration, agreed to it; and this success, or, perhaps, another private hint, encouraged the same Mr. Gore, together with his friend Mr. Gulston, to offer another Proposal of the same squeezing nature to the treasury on the 13th of May following, in these words, "That they are willing to furnish their bills of exchange on Amsterdam in equal proportions, for all such sums as shall be wanting from time to time, to be remitted on account of what remains due to the Danish and Hessian troops to the 25th of December 1741; and for pay, and the extraordinaries of the said troops for the year 1742, at the rate of 10 guilders, 11 stivers and a half, current money of Amsterdam, per pound sterling, payable as follows, viz. two thirds in bills at eight days sight, and one third in bills at one month after date." Which proposal was likewise instantly agreed to; as if it had been predetermined, that this gentleman and his friends should have the remitting of the public money, let their proposals be never so disadvantageous to the public.

This conduct, Sir, was the more extraordinary, because the Secret Committee, of which some of the lords of the treasury were members, was, at that very time, examining into, and preparing a severe censure upon the conduct of the former lords commissioners of that board, for a contract of the same kind, for furnishing bills on Jamaica, to pay our troops in the West Indies. And I cannot help observing, that in the Report of that committee, (see vol. 12, p. 788.) there is a severe censure upon the treasury's entering into any such contract upon the good faith of the proposers only, with an ignorance, real or affected, of the value of the exchange, and not endeavouring to supply the defect of knowledge, by admitting proposals from any other merchant; and yet the very men concerned in drawing up this censure, were, at that very time, committing the same very faults, and, if possible, in a more flagrant manner; for as there is more traffic, and many more dealers in exchange, between Holland and London, than between Jamaica and London, the lords of the treasury had more reason to invite bids, and might more easily have known the current value of exchange. Nay, it is hardly possible they could be ignorant of it, because it is printed and published twice every week at London, in a paper called Castaign's Course of Exchange, and those papers regularly and carefully filled up in the treasury-office.

I shall grant, indeed, Sir, that the public fraud, for I can call it by no other name, was not upon every 100*l.* so great in this last case as in the former; but if it had been carried on as at first intended, and if it be true as is supposed, that the troops we are to maintain, and the subsidies we are to pay abroad, during the war, will cost us 1,800,000*l.* a year, the fraud upon the whole would have been much greater; for it would have amounted to very near 45,000*l.* or, at least, to very near 27,000*l.* a year; because the remitting of the money would have cost us near 2½ per cent. more than it cost us in the war during the late queen's reign; and the example of the lord Godolphin, at that time, renders the conduct of our present lords of the treasury, upon this occasion, the less excusable. That noble lord knew the disadvantage of the public's contracting with a merchant to remit the public money for any term; because, when the exchange is low, it is a disadvantage to the public to make any such contract; and when the exchange is high, no merchant will contract with the public for any term, at the then current rate of exchange. For this reason, with regard to the money sent to Gibraltar and Minorca, and to the duke of Savoy, now king of Sardinia, that noble lord took care that fresh proposals should be given in, and a new contract made, for every particular remittance; and with regard to the remittances to Holland, he made a contract in the year 1704, with sir Henry Furnese, to furnish his bills of exchange for all such sums of money as the public should have occasion to remit to Holland, at such rate of exchange as should, at each respective time, be the current, for the premium of 11*s.* per cent.

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only; so that the public was, in some measure, its own merchant, and was to be a gainer by the rise of the exchange.

But our present lords of the treasury were so far from following this example, that they agreed to such a contract as no man would have had the assurance to offer, if proper notice had been given to the dealers in exchange to come in with their proposals. Nay, Sir, so far was the treasury from giving any such notice, that they seem to have industriously concealed their having occasion for remitting money abroad, lest some dealer should come in, and, by his proposals, render inexcusable, or rather criminal, their giving such a lucrative job to Mr. Gore. However, the secret at last came out: the embarkation of our troops divulged it, whether they would or no; and the dealers in exchange being then assured, that the public would have occasion for remitting money to Holland for maintaining those troops, Messrs. Wilkinson and Muilman, who have a house of as great credit as any in London, and who correspond with houses of as good credit as any in Amsterdam, presented to the treasury a memorial, by which they acquainted their lordships, that they were ready, and desirous to make proposals for remitting what money might be necessary for the payment of his majesty's troops in Flanders, on terms very advantageous for his majesty's service, and would give good security, if it should be thought necessary; and, at the same time, intimated, that their proposals would be to remit the money at the rate of 10 guilders 16 stivers for a pound sterling.

This being, Sir, a proposal more beneficial for the public, by 2¼ per cent. than that offered by Mr. Gore, one would have thought, that their lordships should have taken some notice of it, at least so far as to make use of it for inducing Mr. Gore not to take such a monstrous advantage of the public as they had agreed to give him; but so far otherwise, that upon the 10th of June, when this memorial was read at the board, they answer directly, "That they cannot take these proposals into consideration, having already agreed with Mr. John Gore for making the said remittances for that campaign." This was something very extraordinary; but when we consider the agreement they had made with Mr. Gore, it will appear amazing: they had made no other contract with him, other than simply agreeing to his proposal of the 29th of April, as I have before mentioned. What was that proposal? It was to give his bills for such sums as should be wanting for the service for the troops to be sent abroad, without specifying any time. Therefore it could be meant only to extend to the first remittance; and if Mr. Gore had by the first remittance found it to be a hard bargain, which it was indeed impossible he should, he would have insisted upon it, that he meant no more, and would have had a right to have declared off. After the first remittance, therefore, both parties were at liberty to withdraw from the agreement; and this their lordships should have declared to Messrs. Wilkinson and Muilman, and should have invited them to make their proposals for the next remittance. This, I say, their lordships should have done, if they had resolved to say what was true, or to do what was right.

But suppose, that this proposal of Mr. Gore's could have been understood to mean for any certain time to come. It must be understood to mean for that campaign, or for a year certain, as Mr. Gore afterwards pretended he understood it, and as Messrs. Gore and Gulston expressed themselves in their proposal of the 13th of May, relating to the Danes and Hessians; or it must be understood to mean as long as those troops should remain abroad. If the last, it was such a contract as the lords of the treasury had no power to make; and if they had, to make a contract for such a long time at such a low price, would have been a most criminal breach of their trust. On the other hand, if they understood it so as to mean for that campaign only, which they at first certainly did, as appears from their answers to Messrs. Wilkinson and Muilman, or for a year certain, they should have explained themselves fully to Messrs. Wilkinson and Muilman, and encouraged them to return at the proper time with proposals for the next campaign, or the ensuing year: they should not certainly have dismissed them with such a short and blunt answer, as might have discouraged them, or any other person that had heard of their treatment, from ever coming to make any new proposal; so that they seemed resolved, that nothing should induce them to lessen or discontinue the beneficial bargain they had given to their favourite; for, as I have said, they did not, at least as a board, so much as try to make use of this proposal for getting more beneficial terms from Mr. Gore.

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However, Sir, some of them in their private capacity, or, I believe, somebody else, for in this whole affair they seem to have been under the direction of one of their servants, I say, that I believe somebody spoke to Mr. Gore upon the subject, and advised him to offer better terms. Accordingly, on the 27th of July, Mr. Gore, as it were of his own head, and out of pure generosity to his country, attended the treasury with a memorial, which they very improperly call a Proposal, in these terms: "Whereas he is under an agreement with your lordships to furnish his bills on Amsterdam for the payment of the British troops in Flanders, at 10 guilders 11½ stivers per pound sterling; and now judging the exchange is likely to keep up, and may probably be supported, he is now willing to allow 10 guilders 13 stivers per pound sterling, not doubting, in case the rate of exchange should decline, that your lordships upon application will give him relief."

Mighty generous, Sir, to serve the public at 2½ per cent. extraordinary profit, when another equally capable offered to serve it at 1 per cent. However, this act of generosity, small as it is, I believe, we should never have heard of, if the lords of the treasury, or their director, had not been, by the proposal of Messrs. Wilkinson and Muilman, made to apprehend, that their conduct in this affair might be brought under the consideration of this House. By this act of generosity they thought they had secured themselves against our censure, and by the short answer given to Messrs. Wilkinson and Muilman, they thought they had prevented their disturbing them in their career of job-work with any more troublesome proposals; but so desirous were those gentlemen of serving their country, or so sensible of the profits to be made by the bargain, even upon the advanced terms they had offered, that their lordships were disappointed in the latter part of their expectations, for, Oct. 26, those two gentlemen presented a new Memorial to their lordships in these words: "My lords, about four months ago we had the honour to acquaint your lordships, that we were ready and desirous to make proposals for remitting what money might be necessary for the payment of his majesty's troops in Flanders, and were then told, your lordships would have readily received them, but that those remittances were already agreed for, for that campaign; whence, we hope, we may conclude, it will not be disagreeable, that we now take the liberty to offer to supply your lordships, with whatever sum may be wanted for the public service, for a year to come, or to the end of 1743, either at a certain course of exchange, or at a certain rate, for commission, brokerage, postage of letters, and risk of bills, on terms much more advantageous to the public, than it has ever been served upon, at least for many years past. We are likewise ready to furnish your lordships with whatever money may be required at any other place, on terms equally advantageous; and we flatter ourselves, that from the nature of our correspondence, none are more capable of serving your lordships and the public, in a business of this kind, than your lordships humble servants."

These, Sir, are the words of their second Memorial: if any gentleman thinks I have not read or repeated them faithfully, he may have the Memorial read at the table, from the copy delivered in by the said Messrs. Wilkinson and Muilman upon their examination. This Memorial, I say, was delivered into the treasury upon the 26th of October, but no notice was ever taken of it at that board, nor of any proposal Messrs. Wilkinson and Muilman had ever made, except in the improper and preposterous manner I shall now beg leave to take notice of.

By the constitution of our government, Sir, the paymaster-general is but a clerk or officer under the board of treasury, and bound to obey such orders and directions as he receives from them; therefore, all petitions, memorials, and proposals, relating to the public money-affairs, are presented to that board, and after considering them, they issue their orders to their inferior officers, of whom, as I have said, the paymaster is one. But things have lately, it seems, changed their course, and the paymaster directs instead of being directed. This, it seems, even Mr. Gore and his friends had not found out until after the dissolution of the Secret Committee; for their Memorials or Proposals of April 29th, May 13th, and July 27th, were all presented to the board of treasury; but as they are adepts in state affairs, and know better than most others who are the chief directors, they soon found out the secret, and instead of applying to the board of treasury for contracts to remit the public money abroad, they applied first to the paymaster-general

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of the forces. This secret, as appears from the minutes of the treasury, was, it seems, first discovered by Messrs. Burrel and Bristow, whose names are often mentioned in the Report of the Secret Committee, on account of the famous Jamaica Contract; and their example was followed by Mr. Gore and his friends; for in the beginning of January last, they presented several memorials or proposals to the paymaster-general, for making remittances for the service of our own forces in Flanders, the Hessian forces, and the Hanoverians in our pay; every one of which was for giving bills at 10 guilders 13 stivers current money of Amsterdam for a pound sterling. But as the paymaster could do nothing in this affair by himself alone, as he was by our forms obliged to make use at least of the names of the lords of the treasury, he presented a Memorial to that board on the 4th of January, with these proposals annexed; and next day they referred them back to his consideration, together with the memorial presented June the 10th, by Messrs. Wilkinson and Muilman; but they took care not so much as to refer that presented by the same gentlemen on the 26th of October; for if they had, it would have made it very difficult for the paymaster to report in favour of Mr. Gore and his friends.

However, though this memorial of the 26th of October was not referred, yet Messrs. Wilkinson and Muilman were so just to themselves as to attend the paymaster on the 7th, and presented to him a proposal in these terms, "That they are ready to furnish, at Amsterdam, all the money that may be necessary for his majesty's service, at the rate of 10 guilders 16 stivers current money for the pound sterling, for such a term of time as contracts of that nature are generally made, the value of their bills being paid them, in the same manner as it has been paid to the present contractors, or is customary in the like case; and that if any other person makes proposals for a fixed time, they are ready to do so too."

But, Sir, as these two gentlemen were by experience convinced, that they had the private inclinations, I shall not say the private interest, of the treasury board as well as paymaster to combat in this affair, they knew, that nothing could procure them success in their application for this job of remitting the public money, but their preventing, by their proposals, so much as an excuse for giving a partial preference to their competitors. For this purpose, therefore, upon the 11th of the same month, (of January) they presented to the lords of the treasury the following Memorial:

"May it please your lordships; On Friday last we delivered to the paymaster-general a Proposal for remitting to Amsterdam all the money that may be necessary for his majesty's service, in the same manner, as we are informed, the former remitters have lately done, without saying for what precise time. But it being intimated to us yesterday, that one of those gentlemen had said, that he understood it for a year, if that is the time your lordships desire to receive proposals for, we have one ready to deliver, or else desire to abide by that delivered to the paymaster-general."

It has been proved at your bar, Sir, that this Memorial was presented to the lords commissioners of the treasury, before the paymaster came there that day, and consequently before his report, which is dated that day, was delivered to them, or could be taken into consideration. Nay, the commissioners themselves have not taken upon them to say, that this Memorial was not read to them before the paymaster's report. Was it not then their duty to call for the Memorialists' proposals for a year certain, which they said 'they had ready to deliver,' before they took the report into consideration, or at least before they came to any resolution upon it? Was not this the more necessary, because the chief reason given in the report for preferring Mr. Gore's proposal was in these words, "But as they (the Memorialists) propose to make trial for only two or three remittances, at the rate of 10 guilders 16 stivers per pound sterling, without fixing any continuance of time, or certainty of the sum, they will remit at that rate." Surely this made it absolutely necessary for the lords of the treasury to call for the proposal which the Memorialists said they were ready to deliver upon that very day; because by that proposal the Memorialists would certainly have obviated this objection; and as their proposal was the highest and most profitable for the public service, it was the duty of the lords of the treasury to give them an opportunity to obviate every objection that could be made against them, especially as they then appeared to be ready to answer every avowed objection that could be made against employing them in the affair of remittances; for by

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what they were then to offer, they were to fix the time, and ascertain the sums they were to engage for; and the security they had before offered was a full answer to every objection that could be made against their ability, or the ability of their correspondents at Amsterdam.

But so far were these lords of the treasury from calling for the proposals which Messrs. Wilkinson and Muilman said they were ready to deliver, that they do not appear to have taken the least notice of their memorial; their receiving of such a memorial is not so much as mentioned in the minutes of their proceedings; and upon that very day we find the following minute entered in their journals;

"January 11, 1742-3.

"The lords having taken into their consideration a report dated this day, and made to them by the right hon. Henry Pelham, esq. paymaster of his majesty's guards, garrisons, and land forces, concerning remittances, their lordships, on mature deliberation, as well for the reasons stated in the same report, as from the allowed ability of the remitters correspondents in Holland, and the contract for the remittances being for a time certain, and the experience they have had of the punctual and effectual manner in which they have hitherto been carried on, and from the great and irretrievable detriment it would be to the public service, if any interruption should happen in the payment of the forces, by making any alteration in the contract at this time, are of opinion, it will be for the interest of the public to accept the proposals therein mentioned of Messrs. Gore, Gulston, and Poyntz."

Thus their lordships, whatever they may say of their mature deliberation, determine, in a manner instantaneously, upon receiving the paymaster's report, as if they had been obliged to yield a blind obedience to the report of their servant: but why should I say a blind obedience, Sir? For as the most material fact upon which the report was founded was contradicted, I may say falsified, by the memorial then before them, it must be allowed, that with their eyes open they determined against the interest of their country and the duty of their office. Nor can it be said that they were under any necessity to determine in this precipitate manner: if a great remittance had been to be made that day, or the next, it might have afforded them some excuse; but so far otherwise, that Messrs. Gore, Gulston, and Poyntz, were not informed of their lordships having agreed to their proposal, till the 13th of January, which shews, that upon the 11th there was no necessity for their coming to an immediate resolution.

Having now, Sir, impartially stated the facts, with such observations as I thought necessary for setting the affair in its true and genuine light, I shall next take notice, that if the public loss, occasioned by this preference given to Mr. Gore, had been inconsiderable, it might have been excused by the experience the public had of his punctuality, or it might have left room for a little partiality towards a friend; but this conduct becomes quite inexcusable, when we consider the loss thereby sustained; and as many gentlemen may not have considered this loss, I shall beg leave to explain it, and to state it in a clear light. I have already shewn, that there is hardly a possibility of the exchange between Holland and this falling below 10 guilders 16 stivers, because if it should, the remitters of the Jews will certainly send over our foreign gold and silver, or melt down and send over our coined gold and silver, in order to bring the exchange up again to that standard; and if we had neither foreign nor coined gold or silver to send over, which, I fear, may be the case if the war continues but a few years, it will be allowed, I believe, that we must then instantly put an end to maintaining any armies or princes upon the continent. It was therefore ridiculous to agree with any remitter for less than 10 guilders 16 stivers per pound sterling, even though it had been resolved on to take this method, and not to follow the method taken by the lord Godolphin in the late war, for supplying our troops and subsidiary princes upon the continent; but as the exchange, at the time these contracts were made, was but at 10 guilders 18 stivers, or as the paymaster himself states it in his report, upwards of 10 guilders 17 stivers per pound sterling, we ought certainly to have followed the lord Godolphin's method, which was to agree with the remitters to remit at the current course of exchange, for such a premium per cent. as we could agree for. This method, I say, we ought to have followed, because we knew, that as long as we could have occasion for any remittances, the exchange could not fall above one or two stivers in a pound sterling below what it was then at, and by

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sending now and then a man of war over to Holland or Flanders, with a large quantity of foreign gold or silver upon the public account, we might have kept the exchange always at 10 guilders 18 stivers, or perhaps raised it to 11 guilders per pound sterling.

If this method had been resolved on, and proper notice given to the merchants, I am persuaded, Messrs. Wilkinson and Muilman, according to their proposal of October 26, or some other remitter, would have undertaken the service, at the rate of one half per cent. for commission, brokerage, postage of letters, and risk of bills. This, I say, Sir, I am persuaded of, because in 1704, sir Henry Furnese undertook the service for 11*s.* per cent. and as the business of exchange is now better understood, and followed by a greater number of merchants, than it was at that time, the remitters must content themselves with a less profit; for when a remitter remits for a private person at the current rate of exchange, we are not to suppose, he has no profit, nor any thing for commission, brokerage, postage of letters, and risk of bills: even at the current rate of exchange, and without any premium, he has certainly an allowance for his risk and expence, and some profit for his trouble; consequently the premium he gets from the public, for remitting the public money, ought to be considered as a net additional profit, and though much less than an half per cent. must certainly be a very great and desirable profit, when such large sums are to be remitted. Therefore, I think, I have reason to conclude, that if our present lords of the treasury had followed the method chalked out to them by the lord Godolphin, they might have found remitters of the best credit, that would have engaged to have remitted all the public money at the current price of exchange for a half per cent. And as we must necessarily have a number of guard ships in the channel, they might have taken care to keep the current price of exchange always at or above 10 guilders 18 stivers for the pound sterling by sending over, when occasion required, in one of our men of war, such a quantity of our gold and silver as might appear necessary for keeping up or raising the price of exchange. This, I say, they might have done, as long as we had any gold or silver left; and no man will suppose we can any longer support either troops or princes upon the continent.

Taking it then, Sir, for granted, that all the public money might have been remitted at 10 guilders 18 stivers for the pound sterling with a half per cent. to the remitter as a premium, let us compute what the public loss would have amounted to during the last year, and the ensuing, if the treasury had proceeded upon the first contract they made with Mr. Gore, at 10 guilders 11½ stivers for the pound sterling, which is 6½ stivers loss upon every pound sterling. Every gentleman that will be at the pains to calculate, may see, that this is at the rate of above 3 per cent. loss to the public, from which we may deduct the half per cent. premium that in the other method was to have been paid to the remitter; so that the net loss to the public would have been above 2½ per cent. This, it is true, may to some gentlemen appear so trifling, as not to be worth their notice; but if we consider the vast sums that were remitted last year, and are to be remitted in the ensuing, the loss upon the whole will amount to such a sum, as even a lord of the treasury may think it worth his while to take notice of: and as, in this case, the loss of the public is the gain of the remitter, I am persuaded, we never had a lord of the treasury, that would not have thought it worth his while to have a share of such a gain.

To compute, Sir, what this loss to the public and gain to the remitter would have amounted to upon the whole, we must consider, that the expence of our 16,000 national troops in Flanders, for the insuing year, is estimated at about 535,000*l.* to which I shall add one-third, or 178,333*l.* as the expence of maintaining them there for some part of last year, being in the whole 713,333*l.* The expence of the Hanoverians for last year and the ensuing is estimated at 657,888*l.* The expence of the Hessians for the ensuing year is estimated at 161,607*l.* and for the last year their expence was estimated at 194,916*l.* being in the whole 356,523*l.* And the expence of the Danes for last year was 98,345*l.* These four articles amount in the whole to 1,826,089*l.* to which I must add the 500,000*l.* advanced last year to the queen of Hungary and king of Sardinia, and the same for the year ensuing; because it has been whispered, that methods have been taken for recommending to them the same remitter, who will probably insist upon having terms from them equally advantageous with those he has from his native country; and the

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loss of our allies in the war may in some measure be called the loss of this nation, or at least it is a gain to the remitter, let him have it from whom he will. These two sums added to the former make 2,826,089*l.* and if to these I add the casual expence of waggon-money, forage-money, douceurs, and the like, which must be remitted abroad, I must reckon that all the sums remitted, or to be remitted, for last year and this, amount to a round sum of 3,000,000*l.* And 2½ per cent. loss upon this sum amounts to 75,000*l.* which is, in my opinion, a loss by much too considerable to be neglected or despised by this nation in its present circumstances; and as this whole sum, and a great deal more, is all clear gain to the remitter, it is a gain which any subject in Britain may think it worth his while to have a share of.

I shall not say, Sir, that the paymaster, or any present lords of the treasury, would accept of any share; but the report of the secret committee must convince us, that when such a profitable contract is to be given, there are methods of letting some friends of theirs into a share of the profits, without their advancing any money, running any risk, or being at any trouble; and the unaccountable neglect of all the Memorials offered by Messrs. Wilkinson and Muilman afford some suspicion, that what appears from that report to have been practised under the former administration, has already been practised under this; for if any such under-hand bargains were in view, I do not wonder at their giving no notice to the remitters in the city to send in proposals; nor do I wonder at their neglecting and contriving reasons for refusing the advantageous proposals made by Messrs. Wilkinson and Muilman, who certainly deserved more than Mr. Gore the favour of the public, because by their interfering and making proposals, the public got a stiver and a half per pound sterling more from Mr. Gore than its servants, the lords of the treasury, had stipulated for it, and more, I am convinced, that Mr. Gore would ever have given, had it not been for these Proposals of Wilkinson and Muilman: the public was therefore very much obliged to them, because by their interfering it saved about two thirds per cent. and consequently lost but about 70,000*l.* instead of 75,000*l.* as I have before computed.

If there were any such underhand dealings, or lettings in of friends, as are mentioned in the report with regard to the Jamaica remittances, it was a most audacious as well as criminal transaction, because it was carried on at the very time the Secret Committee of this House was enquiring into and censuring such transactions: but suppose, Sir, there was no underhand bargains: suppose Mr. Gore and his friends had no secret or concealed partners in the profitable job given to them, yet the conduct of the lords of the treasury in not giving notice to the remitters, and in refusing the highest bidder, occasioned them such a loss to the public, as deserves at least the censure of this House; and if if it should escape censure, I may prophesy, that it will in future times be of infinite disadvantage to the public, because it will be a precedent for all our other boards to follow the same clandestine method of making public contracts, and it will prevent any merchant or tradesman's attempting to offer any proposals to the public, or to outbid the person to whom the board seems inclined to give the job; so that for the future, every public contract will be made a piece of mere jobwork, and all public services will not only be charged at an extravagant rate, but also most negligently or weakly performed; for when the commissioners, or their friends, become *socii criminis* with the performer or undertaker, by going sharers with him in the profits, it cannot be expected, that they will look narrowly into, much less find fault with the manner in which he performs his contract.

This, Sir, would be a most fatal effect: an effect which every man that has the least regard for his country or posterity, will certainly endeavour to prevent; and therefore I shall wave moving for any further or more particular enquiry into this transaction, however necessary it may be, in order to discover whether this Mr. Gore has any concealed and criminal sharers in this lucrative job: this, I say, I shall wave, notwithstanding the great appearance of guilt, lest by aiming at more than is necessary, I should miss of what I think absolutely necessary for preventing the ruin of my country. I shall aim at no discovery or punishment: I desire only a saving censure, and therefore I shall content myself with moving, "That the lords commissioners of the treasury contracting at first with Mr. Gore for remitting abroad the public money, without having previously given notice to other merchants to bring in proposals for that purpose, was a

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neglect of their duty, and contrary to the right and ancient practice of that office: and that their afterwards rejecting the proposals of Messrs. Wilkinson and Muilman, who offered to remit all the public money at the rate of 10 guilders 16 stivers per pound sterling, and accepting the proposals of Messrs. Gore, Gulston, and Poyntz, who offered but 10 guilders 13 stivers per pound sterling, was a breach of the duty of their office, a considerable loss to the public, and a great detriment to the public service."

Mr. *Winnington:*

Sir; when the affair now before us was first mentioned, it was introduced with so much solemnity, and so many papers called for, that I expected some extraordinary discoveries. I expected nothing less than to hear, that the public had been robbed of a large sum of money, and that some of our chief officers had been concerned in that robbery; but now, after the affair has been thoroughly sifted, after we have examined all the witnesses, and had all the papers laid before us, that can give us any light into this transaction, and after we have spent two days in the enquiry, which, in my opinion, might have been otherwise much better employed, what have we discovered? Why, we have discovered, that in a most necessary, important, and difficult piece of public service, the lords of the treasury chose to employ a man whose abilities and conduct they had experience of, rather than a new undertaker, who offered to perform the service at a trifling less expence. If this is not 'Parturiunt montes,' I never knew any thing that deserved the name.

I shall readily agree with the hon. gentleman, that when any public service is to be performed by casual undertakers, it is usual and proper for those that are entrusted by the public to make such contracts; I say it is both usual and proper for them to receive proposals from all those who are willing to undertake the job; and when the service is not publicly foreseen, I believe, it is customary to give some sort of previous intimation to those from whom any proposal for that service may be expected; but it is neither customary nor necessary to give such a previous intimation in every case whatever, nor are the trustees for the public obliged in all cases to prefer that proposal which at first view may appear to be most advantageous to the public. When the service is publicly foreseen, when every one that looks into a newspaper knows that the public will soon want such a service to be performed, it is not necessary to give any sort of previous intimation, which was the case with regard to the affair now before us. There was not, I believe, a merchant upon 'change who had not heard of our designing to send some of our troops to Flanders; and no one could be so stupid as not to foresee, that if troops were to be sent thither, they must be paid there; and, consequently, that the public would want to remit money for that purpose. In this case, therefore, it was needless for the treasury to give notice to any person, that such a service would be wanted; and if no proposal for that service was offered beside that of Mr. Gore's, it was because there were very few merchants in London, who thought themselves equal to the undertaking.

We cannot therefore, Sir, find fault with, much less pass a solemn censure upon the conduct of the lords commissioners of the treasury, for not advertising in the Gazette, or sending one of their officers to proclaim upon 'change, that the government would soon have occasion to remit large sums to Holland or Flanders. On the contrary, if they had done so, their conduct would, in my opinion, have deserved to be censured; because it would, very probably, have produced a combination among the dealers in bills of exchange both at London and in Holland, to run it down as low as possible, in order that they might have no opportunity of making the more advantageous bargain with our government, for supplying them with money in Holland, to pay the army that was to be sent to Flanders; and the danger of such a combination, after it came to be publicly and certainly known, that we were to send troops to Flanders, must shew, that it was prudent and right in the lords of the treasury to make a contract for supplying those troops as soon as possible, and to make that contract at a certain rate of exchange, and not as it was made by the lord Godolphin in the year 1704, at an uncertain rate of exchange, but at a certain premium per cent. for all the money to be remitted. Such a contract may hereafter be made, when the course of exchange becomes a little settled, after the shock it must receive by our beginning to take a share in the war; but to have made such a contract at the very beginning, or rather before the commence-

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ment of the war, would not have been prudent, nor would it have been pursuant to the example of the lord Godolphin; for he took care not to make any such contract at the beginning: the war had been carried on for two years before he thought of making such a one, and then the course of exchange had returned to its proper equilibrium, after the shock it had received by our first sending our troops to Holland, which was in 1701, and in the beginning of 1702.

To comprehend this matter clearly, Sir, we must consider, that the business of exchange is a sort of trade, and, consequently, must vary according to the demand and the quantity brought to market to be sold at any particular place. It is a sort of price for money at a certain place, and like the price of corn, may be high at one market, at the same time that it happens to be very low at another. This difference may be occasioned by many accidents, and may upon some emergencies become very considerable, but cannot long continue; because as the intrinsic value is the same in all places, merchants will soon find out where the price is high, and will bring such quantities to that market, as will soon reduce the price to the usual standard. With respect to all sorts of commodities, and in every market, the quantity necessary for supplying the market, and the demand necessary for buying or taking off that quantity, are in ordinary cases pretty well known, and generally keep pretty near equal. But when, by any unforeseen accident, the former is greatly increased, the price must fall at that market and for that market day at least; and if, by any unforeseen accident, the latter should be greatly increased, the price must rise, and must continue high till the demand be lessened, or the quantity usually brought to that market increased.

Upon this principle, Sir, which is infallible, let us consider the consequences of our sending our troops to Flanders: It necessarily increases our demand for ready money in Holland, and as it is a new, an extraordinary, and an unforeseen demand at that market, it must raise the price of that commodity, and that price must continue until merchants have found out methods for increasing the quantity of that commodity at that market; consequently the price of exchange must fall considerably at first, below what it usually was when we had no such demand; and therefore it was a prudent step in the lords of our treasury to enter into a contract before sending our troops abroad, and to settle, by that contract, a certain rate of exchange, in order to prevent the public's suffering by the increase of the demand, and consequently of the price of ready money in Holland. If they had not done so I am convinced, the course of exchange would have fallen much below what it has been at for many years past; but this they prevented by their prudent conduct, because the merchants they contracted with, had thereby timely notice, and they took care to increase the quantity for supplying the market, even before the demand began to increase; whereas had the lords of the treasury not previously made such a contract, or had they made such a contract as lord Godolphin did in 1704, no merchant would have taken care to increase the quantity for supplying the market in Holland, and consequently the public might have lost very considerably by the raising the price of ready money there and the sinking of the course of exchange.

But besides the course of exchange, Sir, the agio of the bank in Holland will certainly be affected by our sending our troops to Flanders. To explain what is meant by the agio of the bank, I must observe, that in Holland there is a difference between what is called bank money and current money. The value of the former is fixed and certain, and remains always at the standard it was at when the bank was first established, whereas the value of current money rises and falls in Holland, as in other countries, according to the fineness or coarseness of their coin; and for this reason most of the bills drawn upon Holland, are drawn payable in bank money. As the coin now current in Holland is coarser than it was when the bank was established, therefore bank money is better, or of greater value than current money, that is to say, 100 guilders bank money is better, or of greater value than 100 guilders current money, and the difference between them is called the agio, which intrinsically is exactly 5 per cent. 100 guilders bank money being intrinsically worth 105 guilders current money; but this agio does not remain always fixed at its intrinsic value, because it rises above or falls below 5 per cent. according to the demand for ready money. In time of peace the agio is often above 5 per cent. because the great merchants in Holland, in the way of trade, deal mostly with one

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another in bank money, or credit in bank; but in time of war, when large bills are drawn upon them for subsisting armies, which must be paid in ready money, then the agio falls below 5 per cent. and the great draughts made by France upon Holland, for paying her armies in Germany, and her subsidies to the emperor and Sweden, has lately reduced this agio to 4½ per cent. from whence it is reasonable to suppose, that the great draughts now to be made by us, for paying our army in Flanders, will reduce the agio still lower, which will be an additional loss to the remitter; for 34*s.* 8*d.* bank money for a pound sterling is not so much now that the agio is but 4½ per cent. as it would be if the agio were 5 per cent.

Another thing I must mention, which will likewise, I believe, turn out to the disadvantage of the remitter, is the price or premium paid to those who employ themselves in carrying foreign gold or silver from this country to Holland; for besides the freight and insurance, they must have a profit as a reward for their trouble; and as the wages of the workman always rise when there is a great deal of work to be done, especially if the number of the workmen be diminished, so these exporters will probably insist upon a greater profit, because the exports will become much larger, and such great sums must sometimes be exported, as can be trusted with but very few of the common exporters. To this I must add, the chance of a war with France, in which Holland will probably be likewise involved; and if this should happen, both the freight and insurance between Holland and this will rise very considerably, both which will turn out to the disadvantage of the remitter, because large quantities of gold and silver must be sent over to answer our draughts upon Holland: when all these chances and disadvantages are considered, I believe Mr. Gore's contract will be deemed no such extraordinary bargain as it has been represented; especially if we consider the expence he must be at in commission, brokerage, postage of letters, and other charges, which I reckon, will amount to near 1½ per cent. and his profit is not above 2 per cent. even at the then current rate of exchange; so that he has but a half per cent. net profit, which is the least that can be allowed for his trouble, for his risk of bills, and for the great risk he ran of the exchange sinking even below what he had agreed to give his bills at; for if the exchange has not fallen by the great additional demand for ready money in Holland, being contrary to the natural course of things, it can be ascribed to nothing but his care and conduct in supplying the market before the demand began to be felt.

But the great outcry, I find, is, another offered to perform the service at a much less expence to the public. Sir, I shall be far from saying, that Messrs. Wilkinson and Muilman were not as capable to perform the service as Mr. Gore and his friends; but the lords of the treasury had no experience of their performance, and it is certainly their duty, as well as it is the duty of every other officer or board, to take care rather to have the public service well performed than cheaply performed, especially those services upon which the very being, I may say, of the commonwealth depends. When the difference in the expence is very great, or when one man offers to serve the public at a remarkable less expence, or cheaper rate, than another, it is then the duty of a board to enquire minutely into the nature of the service to be undertaken, for in that case there must be extortion on one side, or fraud on the other intended; and if the price or profit required by the former appears, upon the strictest enquiry, to be but a moderate one, I think, they ought to be vastly cautious of engaging with the latter; for it is not to be presumed, that any one would serve even the public for nothing, and much less to his own loss; and as it is almost impossible to foresee all the frauds which an undertaker of any public service may be guilty of, I should be shy of employing a man whose proposals shewed that he must either cheat himself or the public.

In all such cases, therefore, Sir, there must be a discretionary power left in the commissioners or officers who are to contract for the public, and they may sometimes have very good reasons for rejecting the highest proposal or bidder, even when the difference is very considerable; but when the difference is trifling, as it was in the case now under consideration, their having experience of one man's capacity and conduct, and none of the others, is of itself a sufficient reason for preferring the man they know, even when the other offers to serve at a cheaper rate; and as the least failure or disappointment in this service, would have been of the most fatal consequence, I think, the lords of the

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treasury were in the right not to allow the dealers in exchange, by bidding upon one another, to beat the price down too low, which they might have done from a too great avidity of gain, or from the hopes that the public would give them some relief, if it should afterwards appear, that they had undertaken the service at a cheaper rate than it could be faithfully performed: this would probably have been the case, if the proposals of Messrs. Wilkinson and Muilman had been accepted; for as by these proposals they were to have but two stivers in a pound sterling profit, which is not one per cent. and as the charges of commission, brokerage, and postage of letters, is always computed at near one and a half, they could not have continued for any time to furnish the public with bills at that rate, unless the course of exchange had risen very much in our favour, which was not to be expected at such a juncture. They must therefore have soon come to a new agreement with the public, or they must have given over the business; and we know by experience how dangerous it is to change hands, or to employ many hands in such a transaction; for by so doing our affairs were brought into very great confusion towards the latter end of the last war.

Besides these, Sir, and many other public reasons, which I could mention, if it were worth while, the lords of the treasury may have had private reasons for preferring the proposals of Mr. Gore and his friends, though lower than those offered by Messrs. Wilkinson and Muilman; I mean not such private reasons as have been insinuated in this debate, as if they or some of their friends were to have a share in the contract, and that therefore they were willing to make it as profitable as they thought they might safely do, I mean such private reasons only as relate to the safety and service of the public; for in all such cases they are obliged to enquire strictly into the character and conduct of those they are to contract with, and may find such reasons for preferring one man to another, as ought not to be mentioned or communicated to the public. I do not, however, affirm, that in this case, they had any such reasons; I mention it only to shew, how cautious we ought to be of censuring the conduct of great officers in every case, where there is not a very apparent neglect or misbehaviour, and a remarkable injury done to the public.

I hope, I have now given such reasons as will appear sufficient against our resolving to pass any censure upon the conduct of the lords commissioners of the treasury, either for their not giving notice to the merchants to bring in their proposals for remitting abroad the public money, or for their preferring the proposals of Messrs. Gore, Gulston, and Poyntz, to the higher proposals of Messrs. Wilkinson and Muilman; and next I shall observe, that it is really, in my opinion, surprising to hear gentlemen, who certainly attend to, and understand the public business; I say, it is surprising to hear such gentlemen talk of the loss the public has sustained upon this occasion; for, I think, it is demonstrable, that had the contract of Messrs. Gore, Gulston, and Poyntz, been much lower than it is; had they agreed to give their bills upon Holland at no more than ten guilders ten stivers per pound sterling, the public could have sustained no loss. Sir, gentlemen may shake their heads and seem amazed, but I shall make good what I say from the estimates upon your table, and from what is known to be the common practice in paying the army abroad. To begin with the last; it is well known, that as soon as our army set foot upon foreign ground, they are not paid in English money, but from that moment begin to be paid in the current money of the country, according to the rate of exchange at which the government has contracted to have the money remitted. Therefore, if the government should make a bad bargain, with regard to the remittance, it may be a loss to the officers and soldiers of the army, but it can be no loss to the public. If Mr. Gore had given but ten guilders ten stivers for the pound sterling, it would have been a loss to the officers and soldiers of our army, because their pay abroad would have been less by near $1\frac{1}{2}$ per cent. but the public could neither have got nor lost by the bargain.

I shall next, Sir, consider the case of the money remitted for paying the Hanoverians; and here, if gentlemen will but look upon the estimate, they will see, that the money granted for paying the Hanoverians is calculated at ten guilders ten stivers per pound sterling, and must certainly be paid to them at that rate; for they will insist upon having a pound sterling, or the produce of a pound sterling in Dutch money, for every ten guilders ten stivers we are obliged to pay them; and

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consequently, our remitting their money at a higher rate than ten guilders ten stivers per pound sterling can be no advantage to this nation, nor can our remitting it at a lower rate than ten guilders sixteen or eighteen stivers, be any loss.

This, Sir, is the case with regard to the money remitted or to be remitted, for the Hanoverians; and with regard to the money that has been remitted, or that may be remitted for the Danish or Hessian troops, the case is the very same. But what surprises me most is, that the money remitted, or to be remitted, for paying the subsidies granted by parliament to the queen of Hungary, or king of Sardinia, should be brought in over head and ears, to swell the imaginary loss, which the nation is to sustain by this wicked contract. This, I say, is the most surprising, because by accounts upon our table it appears, that a great part of the subsidies payable to the queen of Hungary, and king of Sardinia, were paid in ready money to their ministers here, and the rest in such bills as they approved of: and it is not to be supposed that their ministers here would allow themselves to be directed by any of our ministers to go to a particular remitter, unless he was ready to give them his bills at as high a rate of exchange as any other remitter would agree to.

From hence, Sir, I think it is evident, that the public could have sustained no loss, even though the contract made with Mr. Gore had stood at the rate of exchange at which it was first settled; and as to the argument, or rather piece of wit, made use of, with respect to the treasury board's being under the direction of one of their own servants, it will appear to be without any foundation, when we consider, that it is the daily practice of every board in England, when facts and circumstances are to be enquired into, to refer that inquiry to be made and reported by one or more of their chief clerks or servants, and that report is always made the foundation of the board's resolution, unless a farther enquiry or consideration appear to be necessary, which, in this case, there was certainly no occasion for, because the paymaster, in his report, shewed so clearly the reasonableness of the proposals made by Messrs. Gore, Gulston, and Poyntz, and the danger of changing hands, that it became quite unnecessary to take into their consideration the new proposals that day delivered in by Messrs. Wilkinson and Muilman. From all which, I must be of opinion, that we have not the least reason to find fault with any part of the conduct of the lords of the treasury in this transaction, and consequently, I must be against the motion.

Mr. *John Bance:*

Sir; whatever the gentlemen of the other side of the question may say: they must be sensible, that in this debate, we have a very great advantage, because, it depends upon figures, which cannot, like words, be wrested to disguise the truth or support a falshood, and if they think we have made no material discovery, it must proceed from their being accustomed for some years to deal in millions, and to see the public defrauded daily of thousands; but such gentlemen as I am, who have never touched public money, nor any money but our own, or such as a court of justice might compel us to account for, must look upon a sum of 60 or 70,000*l.* with some sort of attention, and must think, that the discovery of a fraud of that value or at least a public loss (occasioned by misconduct) of that value, nay of a much greater, as I shall presently demonstrate, is no such discovery as deserves the name or character of 'parturiunt montes:' for I dare venture to say, that if such a discovery had been made in the times of our ancestors, whatever the mountains might have conceived, the resolutions of this House would have brought forth an impeachment.

Whether to call these remitting contracts a designed fraud, or only a piece of mismanagement, I am really at a loss to determine; the damage the public was thereby to suffer was so obvious, and the right method of contracting so well known, that it requires a great stock of charity to believe, that the mismanagement proceeded entirely from inattention. The many advertisements we see almost daily in our newspapers from the commissioners of navy and victualling, could not but put our lords commissioners of the treasury in mind, that the proper method for remitting the public money abroad, if it was to be done by bills of exchange, was to advertise in the Gazette, or at least to give notice to all the great remitters in the city to send in proposals; and it was the more necessary for the present lords of the treasury to take this method, because when they entered upon their trust, there was a general suspicion, that every public contract was made a job, and that no

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proposal, however beneficial for the public, was ever attended to, unless it came from one who was a friend of the minister's. Whether this suspicion was well founded or no, is not my business at present to enquire into; but that there was then such a suspicion, and that this suspicion had for some time been very general, is certain and well known in the city of London; so that no man ever thought of offering any proposals to the public, but such as thought they could make an interest with the minister; and proposals from such men never were, nor ever will be, the most advantageous for the public service. Our present lords of the treasury could not therefore expect that upon their accession to that board, any gentleman would give himself the trouble to send them proposals of any kind without some public or private invitation to do so; for whatever character they might formerly have had for candour and public spirit, their precipitate accession to that board was very far from removing the general suspicion that had before prevailed; and the treatment they gave to the proposals of Messrs. Wilkinson and Muilman has already made this suspicion as strong against them as ever it was against their predecessors.

Another reason, Sir, which made it necessary for them to give notice to the remitters to send in proposals, was this: Though it was generally known, or at least supposed, that troops were to be sent abroad, yet it neither was nor could be known, that the money for subsisting them was to be sent abroad by bills of exchange, because the public might have resolved to send it in gold or silver at its own risk, and upon its own account, which, considering that the balance of trade with Holland is against us, would have been the best and most frugal method; for, I hope, we have now got over that silly old prejudice, against sending gold or silver out of the country; because it is now fully understood, that every country must send out its gold or silver when the general balance of trade is against it. As long as the general balance is in our favour, we may supply the demands of one country by sending thither the bullion or foreign coin we receive from another: We may, for example, supply the demands of Holland by the gold or silver we receive from Portugal and other countries; but if the general balance should turn against us, that balance must be made good out of our national stock of gold and silver, and will always be so, let you make ever so severe laws against it. Therefore, when our government has occasion for money in Holland or any other country where the course of exchange is against us, it ought to send over gold or silver for that purpose upon its own account, because it need pay nothing for freight or commission, and being sent over in men of war, the risk can never be so great to the government as it must be to private men. It is therefore ridiculous in the government to pay for risk, freight, and commission to private men, when it can so easily save all these charges, by sending over gold or silver upon its own account; and if our government had done so upon this occasion, it would have saved above six per cent. which is now paid to Mr. Gore and the other gentlemen concerned in our public remittances.

From hence, Sir, you must see, that the merchants in the city, who understand the nature of trade and exchange, could not know, nay they could not suppose, that the government would have occasion to deal in bills of exchange, for subsisting the troops that were to be sent abroad; and therefore, since it was resolved to remit all the public money by that method, a proper notice should have been given to all the great remitters in the city to send in their proposals. Besides, it is generally thought by the merchants, to be officious in them to trouble ministers with proposals, unless they be desired to do so; and that this is the way of thinking in the city could not but be known to the lords of the treasury, or at least to such of them as were concerned in the enquiry into the famous Jamaica contract; for they were there expressly told, that the reason why none of the merchants offered proposals for remitting the public money to Jamaica, was because the treasury did not communicate their intentions to merchants, and that if they had done so, several merchants would have offered proposals for serving them. It is therefore very surprising that those lords of the treasury who were members of the secret committee, should not think of giving notice to the merchants to bring in proposals for remitting money to Holland, before they concluded any contract with Mr. Gore; and when we consider, that the enquiry was carrying on at the very time this contract was made, it is hard to believe, that this neglect was the effect of mere in-

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attention, and not the effect of a design to give Mr. Gore a very profitable bargain, in order to have some friend admitted into a share of the profits.

Having now shewn, that the lords of the treasury were upon this occasion manifestly guilty of a most surprising piece of neglect, I shall next beg leave to examine the bargain they made. They could not but know, that when Mr. Gore brought in his proposals, the then current course of exchange was about 10 guilders 18 stivers Dutch money, for every pound sterling; and, barring the custom, I defy them, or any man, to shew me a reason, why the public should pay more for remitting its money than any private man. I can shew several, why it should pay less: in private contracts for remitting, there is generally a broker employed, and therefore brokerage must be paid, but in public contracts no broker is ever employed, and consequently no brokerage to be paid; In remitting 100*l.* there is as much trouble, as in remitting 100,000*l.* except only the difference of telling, which, since bank-notes came in fashion, is next to nothing; and therefore a man who has 100,000*l.* to remit, ought to pay less proportionably than a man who remits a single hundred. For these reasons, if a private man has 10 guilders 18 stivers for a pound sterling, the public ought to have at least 10 guilders 18½ stivers; and if the public had threatened to send over what money it wanted in gold and silver at its own risk, I believe, to prevent its taking this method for supplying itself, the remitters would have been glad to give their bills at the rate of 10 guilders 18 stivers per pound sterling; for even at that rate their profit would have been very considerable, which I shall beg leave to explain.

As the hon. gentleman who opened this debate has before observed, when the exchange is at the rate of 10 guilders 17 or 18 stivers for a pound sterling, it is about 5½ per cent. to our disadvantage; therefore if a dealer in exchange sends over to Holland 100,000*l.* in gold, in order to have an opportunity to draw for it, that gold will produce him in Dutch money 1,149,950 guilders; from which I shall deduct one per cent. for freight and insurance in sending his gold over, being more than the usual price; there will then remain 1,138,450 guilders 10 stivers. Having thus lodged his money, let us suppose, he draws for it at the rate of 10 guilders 18 stivers for the pound sterling, at that rate he must receive for his bills in money here, 104,445*l.* sterling; so that by this transaction he has got 4,435*l.* sterling, out of which he has nothing to pay but commission to his correspondent in Holland, which I shall reckon at one per cent. for receiving and paying, amounting to 1,044*l.* 9*s.* consequently he has 3,390*l.* 11*s.* clear profit to himself, without any risk or charge; and as he may renew this transaction every two or three months, we may see what a profit a remitter would have, even suppose he were to remit the public money at that rate of 10 guilders 18 stivers per pound sterling. And, indeed, when I consider this, I am surprised how the agents of Messrs. Gore, Gulston, and Poyntz, could have the assurance to represent, as they did to the paymaster-general, in a representation signed by them, and now upon our table, that their whole profit consisted in the difference between the rate of exchange they agreed to draw at, and the then current rate of exchange; and that even from this profit they were to deduct their hazard of bills, commission, brokerage, postage of letters, and other charges. Surely, they must imagine, either that the paymaster did not, or that he would not understand what he was about; for suppose he had known nothing of trade, common sense would have told him, that even according to the common course of exchange, the remitter must have a profit sufficient for answering his trouble, risk, and charges; and that in remitting the public money there could be no greater trouble, risk, or charge, than in remitting the money of private men; but, on the contrary, that in remitting the public money there is no expence of brokerage, or risk of bills; and that, therefore, if the remitter paid less, or gave his bills for less than the common course of exchange, it would be so much clear profit, over and above the profit usually made in remitting the money of private men.

I know very well, Sir, that when great sums are to be remitted, and an absolute necessity to remit them by bills of exchange, it necessarily raises the price of those bills, that is to say, it lowers the common course of exchange; but I have shewn, that the government was so far from being under a necessity to remit the public money by bills of exchange, that it would have been right and frugal to have sent over to Holland, in gold or silver, the whole money they were to have

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occasion for at that place; and if they had done so, it would only have been doing what Mr. Gore, or any one other that contracts with them, must do at their expence; therefore, the danger of the exchange falling below its common course, on account of the great sums the government was to have occasion for in Holland, was a mere bugbear, that could frighten none but infants in the business of trade and exchange; for the course of exchange, or the price of bills of exchange, does not depend upon the demand for money at any certain place, but upon the difficulty and danger of sending gold or silver from one place to another; and therefore, the course of exchange can never rise much above the value people put upon that difficulty and danger, which with respect to our government's sending gold or silver to Holland must be very trifling; and if the lords of the treasury had but threatened to take this method, it would soon have put an end to any combination that could have been entered into by the remitters.

No pretence, therefore, can from thence be taken for justifying either the terms, or the precipitancy of the contract they made with Mr. Gore; but suppose there had been some reason for their being in a hurry, can this justify their agreeing to give him such monstrous profits? I have already shewn what profits a remitter makes according to the common course of exchange, and in order to make the extravagant terms of this contract the more apparent, I shall state the profits Mr. Gore would have made according to his first contract, if he and his friends had not generously offered more than the lords of the treasury desired of them. That every gentleman may examine by himself whether or no I am right in my calculations, I shall ground them upon sir Isaac Newton's table of the value of foreign coins, according to which a pound sterling, at the real par of exchange, is worth thirty-six shillings and fifty-nine hundredth parts of a shilling Flemish bank money, or thirty-eight shillings and forty-two hundredth parts of a shilling Flemish current money, which reduced into Dutch currency is 11 guilders 10½ stivers for every pound sterling. Now, as by their first contract they were to give but 10 guilders 11½ stivers for the pound sterling, if they sent over to Holland at their own risk, from time to time, in bullion, or in foreign gold or silver, such sums as were necessary for answering their draughts, they had a profit of 19 stivers upon every pound sterling, which is very near 9 per cent. and as they were to deal in such large sums, I am persuaded, their whole charge of freight, commission, and postage of letters, could not amount to above 1½ per cent. so that they had a clear profit of above 7 per cent. without running any other risk than that of the insurance, the value of which is seldom above three quarters per cent. and if they had remitted abroad at this rate the whole money of last year and this, amounting, as has been calculated, to 1,826,089*l.* their net profits would have amounted to 127,826*l.* sterling, every farthing of which, and more, might have been saved to the public by sending gold and silver over upon the public account, instead of employing Mr. Gore to send it over for them.

Whether the lords of the treasury knew what a profitable contract they had given to their friend, or rather to the friend of their predecessor, I do not take upon me to determine. I cannot really suppose they did; for if I could, I should be very apt to suspect, that they did not, nor would give to any man an opportunity of making such monstrous profits, without stipulating, in the name of a trustee, some share of the profits to themselves. But suppose they did not know the value of the contract they gave, which is the most charitable supposition that can be made in their favour, it shews, that they were guilty of a very great neglect in the discharge of their trust; for had they talked with any indifferent man that understood the business of exchange, he could easily have made them understand what they were about. And what happened afterwards, is a full proof of the bad bargain they had made for the public; for when Mr. Gore heard of the Proposals made by Messrs. Wilkinson and Muilman, he came of his own accord, there being no appearance of his having been sent for, and generously agreed to give a stiver and a half more per pound sterling, than they had stipulated for the public, by which he reduced his profits to a little above 8 per cent. so that we may reckon, he and his friends have still 6½ per cent. net profit, which upon 1,826,089*l.* amounts to 118,695*l.* sterling.

I see, Sir, the House is tired of calculations, but I must beg their patience a little; for I cannot leave this subject, without shewing the ignorance, or something worse, of those gentlemen with

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whom the paymaster-general was pleased to consult upon this occasion, who gravely told him, according to his report upon our table, that by Messrs. Wilkinson and Muilman's Proposals, they were to have but a half per cent. gross profit, as they call it, (going still upon the fallacy, that at the current course of exchange the remitter has no profit) and then they wisely add, 'That they cannot conceive how these gentlemen make their account, unless they flatter themselves with being indulged with the liberty of exporting the current coin of this kingdom.' Now, Sir, according to my method of calculation, which is free from that fallacy, and certainly the right one, Messrs. Wilkinson and Muilman would, even at the rate of exchange they offered, have made a profit of $14\frac{1}{2}$ stivers upon every pound sterling, which is six and near three quarters per cent. gross, and at least 5 per cent. net profit; so that if they had been obliged to export the current coin, it could not have proceeded from their not having a sufficient profit; and, indeed, it is ridiculous to talk of such an effect's proceeding from such a cause. If the war continues but a small number of years, even Mr. Gore and his friends may be obliged to export our current coin, or melt it down in order to export the bullion, which cannot, I am sure, proceed from their not having a sufficient profit; but they must do this, when they can find neither bullion nor foreign gold or silver to export; and this, I am afraid, they may be obliged to do, sooner than some people are aware of; for we are now far from being in the same circumstances we were at the beginning of the war in the queen's time. We are still gainers, I believe, upon the general balance of trade, but, I fear, not so considerable as we were at that time; and we have now a load upon our general balance of trade, which we were then very little subject to, I mean the interest payable yearly to foreigners upon the capitals they have in our several funds, which, I believe, amounts to 5 or 600,000*l.* a year, and is a most grievous drawback upon our general balance of trade. If by that balance we are not supplied with an annual recruit of bullion or foreign gold and silver, sufficient for supplying the annual demand for the payment of this interest, as well as for paying our armies and subsidiary princes upon the continent, we must begin to encroach upon our national stock of gold and silver, and, consequently, must export our current coin, or melt it down for that purpose, which is the same thing; and this our ministers ought seriously to consider before it is too late.

After having shewn how profitable this contract was to the undertaker, I must consider the dangers he was exposed to, which have been assigned as reasons for giving him such a profitable bargain. The danger of lowering the exchange I have already shewn to be altogether chimerical, because either the government, or any private man, may prevent it, by exporting gold or silver. The danger of an advance in the price of freight or insurance for the exportation of gold or silver, is still more chimerical, because it may, at all times, be prevented by the government's employing their men of war, and is at all times so trifling, especially the former, that it is not worth minding; and as to the agio's falling in Holland, the importation of foreign gold or silver will prevent it; but if it should not, it can be of no bad consequence; for as the agio falls, the course of exchange will rise; because merchants or dealers in exchange never consider the current value of bank, or any other sort of money in any country: they consider only the quantity and fineness of the gold or silver they pay, and the quantity and fineness of the gold or silver they are to receive in lieu of it in another country, and according to that they fix the course of exchange, so as to have a reasonable profit for answering their trouble and expence.

Now, Sir, with regard to the argument of the public's being no loser by this contract, however profitable it may be to the undertaker: this, I acknowledge, surprised me; for, I think, it is one of the most sophistical arguments, with regard to our own troops, that was ever made use of in any metaphysical dispute in our universities; and with regard to the foreign troops in our pay, and the subsidies payable to the queen of Hungary and king of Sardinia, I shall shew, that it is absolutely false. But first, with regard to our own troops, whatever the hon. gentleman may think, I shall always be of opinion, that every loss sustained by those brave men who are fighting the battles of their country in a foreign climate, is a loss to their country; and I must say, I hope our ministers will take notice of what I say, I wish our troops may not.—But whether they do or no, I must say, it is an insufferable hardship, to make the troops we

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send abroad, pay for sending their money after them. Wherever they go, they ought to be paid as if they were in England, and if they are paid in foreign money, they ought to be paid at the par of exchange; that is to say, for every pound sterling due to them, they ought to receive, in the money of the country where they are, as much as that pound sterling would produce, if sent there in the current coin of this kingdom; and, consequently, in Holland, or Flanders, they ought to receive at the rate of 11 guilders 10½ stivers for every pound sterling that becomes due to them, instead of the 10 guilders 13 stivers they are to receive, according to the infamous contract we have now under our consideration. Thus, as a soldier in Flanders receives, or ought to receive at least an English groat a day, or twenty-eight pence English a week, subsistence money, if he were to be paid at the par of exchange, he would be entitled to receive, in Dutch money, 26 stivers and above 14 pennings, or near 27 stivers a week; whereas if he be paid, as I suppose he is, at the rate we have contracted with our remitter Mr. Gore, he does not receive above 24 stivers and 14 or 15 pennings Dutch money for his week's subsistence; and this is the harder upon him, because, as we have not yet got into our enemy's country, and I do not know when we shall, a soldier must not take so much as an egg, or a crust of bread, without paying ready money for it.

As few of our soldiers are good pen and ink men, I doubt much, Sir, if any of them can calculate the loss they sustain by our method of paying them, and as the loss is not very remarkable, I believe, few of them take notice of it; but it is evident, that they lose above half a day's subsistence money in a week, and though this loss to each soldier appears to be but a trifling sum in a year, yet to the whole army the loss becomes so considerable as to deserve the attention of this House; for from what happened in Jamaica, we may form some notion of the danger that may arise from the army's taking notice of this loss before we do. There, indeed, the loss was so considerable, that it set the whole army a computing, and every soldier at last found out, that he was cheated of one day's pay in seven, which had like to have produced a mutiny in that army.

Now, Sir, with regard to the money remitted for paying our foreign mercenaries, I hope, the Hanoverians have not, I am sure, no other mercenaries ever had any thing to do with the grants or the calculations made by parliament. As we always agree to pay them in some foreign currency, they have nothing to do with the exchange we purchase it at, or with the exchange it is calculated at in the estimates laid before parliament; and therefore, if we make a good bargain it is an advantage, if a bad one it is a loss to this nation, and this nation only. In the estimates, it is true, the exchange is always calculated at a low rate, because our ministers cannot then know the rate they may purchase at; but if they can purchase at a higher rate, and they ought to make as good a bargain as they can for their country, they are obliged to give an account of the savings to the next session of parliament. In future times, I hope we shall be more careful in this respect than we have been in times past; for even according to the bad bargains they have lately made for remitting the public money, there will be a considerable saving in the money granted for the pay of foreign troops, because in the estimates the exchange is calculated at 10 guilders 10 stivers per pound sterling, whereas they have contracted for it at the rate of 10 guilders 13 stivers, which is a saving of 3 stivers upon every pound sterling, and this is near 1½ per cent. upon all the money granted for the pay of foreign troops: there was likewise a saving upon every one of the different sums paid to the queen of Hungary at Amsterdam, and consequently that account, upon the very face of it, appears to be wrong, with respect to the sums set down in sterling money. I shall take notice only of the second article in that account, by way of example: it is there said, Paid to her minister in bills upon Mr. Compton, deputy paymaster at Amsterdam, 787,500 guilders, at the rate of 10 guilders 10 stivers for every pound sterling; being the rate settled by treaty, which said sum was furnished by the remitter in bills of exchange, payable at Amsterdam, at the rate: 10 guilders 10½ stivers per pound sterling; and this is computed to be in sterling money 75,000*l.* Now, Sir, it is very true, that 787,500 guilders, at 10 guilders 10 stivers per pound sterling, amounts to 75,000*l.* but 787,500 guilders, at 10 guilders 11½ stivers per pound sterling, amounts to no more than 74,468*l.* which was all that could be paid to Mr.

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Gore for his bills, and consequently by this remittance our ministers saved to the public 532*l.* and might have saved a great deal more if they had made a better bargain, though they seem to be unwilling to account even for what they did actually save.

Whether the queen of Hungary's minister took directions from our ministers, as to the remitter he was to employ, I shall not determine: with regard to the money to be paid at Amsterdam, he had no business to trouble his head about the rate of exchange, because as the rate was settled by treaty at 10 guilders 10 stivers per pound sterling, his mistress was neither to get nor lose by the bargain made for the exchange; but with regard to the money paid him here, I am sure, he would have served his mistress very ill, if, without any necessity or direction, he had taken bills at the rate of 10 guilders 11¼ stivers per pound sterling, when he might every day have had undoubted bills at the rate of 10 guilders 17 or 18 stivers per pound sterling; and, for the same reason, it must be allowed, that our ministers did not serve their country well in accepting of such a low rate of exchange for the money they remitted to Amsterdam; because, whatever they could get, or did get, above 10 guilders 10 stivers per pound sterling, was an advantage to their country, and ought to be accounted for to parliament. It is therefore evident that with regard to some part of the money paid to the queen of Hungary, the public is a loser by this contract; but with regard to the money to be paid to the king of Sardinia, as we have been denied a sight of that treaty, and consequently do not know where, or in what currency, the money is to be paid, I can say nothing about it.

As to the private reasons our lords of the treasury might have had for preferring Mr. Gore, if they were such as related to the public, they were fully answered by the security offered by Messrs. Wilkinson and Muilman, which was likewise an answer to the argument founded upon the experience they had of Mr. Gore's punctuality; and, indeed, when the money is paid upon the delivery of the bills, I do not see how any man that is honest can fail of being punctual, because it may be sent over to answer his draughts with the same packet that carries his bills. And as to the discretionary power contended for, the hon. gentleman himself allowed, that it ought never to be made use of, but when the difference between one bidder and another is trifling. Can it be said that it was so in this case? Sir, the difference between the Proposals of Mr. Gore and his friends, and those offered by Messrs. Wilkinson and Muilman, was near one and a half per cent. and this upon 1,826,089*l.* the sum that had been or was to be remitted, amounted to above 27,391*l.* Can this difference be said to be trifling? I am sure, it will appear so to no man in England but such a one as a lord of our treasury; and if this contract escapes our censure, I am afraid, that such a sum will very soon begin to look big even in the eyes of a lord of our treasury; for, by jobwork, extravagance, and neglect, the nation will very soon be so reduced as to have very little money to put into their hands. This fatal consequence we ought to prevent, if possible; and therefore I shall be for agreeing to this motion.

A motion being made, and the question put, that the chairman do leave the chair, it was carried in the affirmative, by 211 against 182.

Debate in the Lords on the Bill for further quieting Corporations.] March 7. The Lords read a first time a Bill for further quieting and establishing Corporations, which was ordered a second reading on the 11th.

The said Bill is as follows:

'Whereas, as the law now stands, members of corporations are liable to be prosecuted and disfranchised for being unduly elected, and for other causes, without any limitation of time, to their great expence, vexation and trouble; and, in many cases, to the great confusion, and sometimes to the overturning and dissolution of the corporate bodies of which they are members: for remedy thereof, and for establishing the peace and quiet of corporations, may it please your most excellent majesty, That it may be enacted, and be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the day of no person who hath been or shall be in the actual possession of any office or offices of mayor, bailiff, recorder, alderman, jurat, common-council, capital burgess, town-clerk; or other office or offices of

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'magistracy or employment, relating to or 'concerning the government of any city, 'corporation, borough or cinque-port, shall 'be removed from the same, or prosecuted 'for the exercise thereof, for or by reason 'of any disability, or want of qualification 'for such office or offices, or for or by 'reason of any undue or irregular election 'or admission to such office or offices, or 'for or by reason of any forfeiture of the 'same; nor shall any forfeiture or penalty 'be incurred, nor the right of any such 'officer or officers be called in question, 'nor shall any of their acts, not yet avoided, 'be questioned or avoided, unless such 'person or persons be removed from, or 'prosecuted for the unlawful exercise of 'such office or offices within 'after such person or persons hath or have 'been, or shall be elected or admitted to, 'or placed in, or first in the actual pos-'session of such office or offices, or after 'such disability, want of qualification, or 'forfeiture first incurred: and unless (in 'case of a prosecution) the same be car-'ried on with effect and due diligence; 'Provided always, That nothing herein 'contained shall extend, or be construed 'to extend to invalidate or make void any 'charter heretofore granted, or accepted 'by any city, corporation, borough, or 'cinque-port; nor to make good the elec-'tion of any such officer or officers, against 'whom any judgment of ouster shall have 'been entered, or given upon an informa-'tion, in the nature of a *Quo Warranto*, or 'whose election shall have been avoided 'upon any writ of *Mandamus*, on or before 'the day of .'

This Bill took its rise from an Appeal which came before the House on the first of December last. For illustrating of which it is necessary to observe, that in the Report* of the Secret Committee appointed to enquire into the conduct of the earl of Orford, the said Committee set forth, "That, at the approach of the late elections, Mr. Jordan, then mayor of Weymouth, and Melcombe Regis, and Mr. Tucker, were very earnestly solicited to assist the friends of sir Robert Walpole: but intreaties having been found fruitless, menaces were afterwards made use of, and Mr. Olmius, one of the candidates, declared, that Mr. Tucker, by refusing to concur with him, would expose himself to certain ruin, and the charter to certain subversion; and further, that if fair means would not do, foul must."

However, threats and solicitations were equally disregarded, and representatives were returned of principles contrary to the interest of the then ministry. Soon afterwards Mr. Jordan was deprived of the office of land waiter of Weymouth, though, before the general election, he had been offered the post of collector: and an information against Mr. Tucker and the corporation was filed in the court of King's-bench, by an attorney of St. Clements Danes. Mr. Tucker was required by a *Quo Warranto* to show by what authority he exercised the office of mayor of Weymouth: issue was joined upon eight facts, which were all determined in favour of Mr. Tucker, by a special jury of gentlemen at the assizes at Dorchester. But Mr. Tucker having alleged a bye-law of the corporation, a demurrer upon that allegation was argued in the court of King's-bench, where judgment was given against Mr. Tucker, that he should be ousted or removed from the mayoralty in favour of another who had already been set up against him; but to whom the corporation refused to submit. Mr. Tucker hereupon appealed to the House of Lords. Printed copies of the Case were presented to every lord, and the counsel endeavoured to shew on one side, that it could not be the intention of the charter to exclude an alderman of Weymouth from the mayoralty: and on the other, that an alderman was by the whole tenor of the charter distinguished from a burgess, and that being directed by their charter to choose a mayor from among the burgesses, they were not at liberty to choose an alderman. The counsel being withdrawn,

Lord *Talbot* rose and said:*

My lords; I have attended with the utmost diligence to the arguments which have been offered on each side, and have endeavoured to balance them with the utmost impartiality, nor have I suffered any prejudices to influence my judgment; and, therefore, cannot but hope, that I shall find other lords of the same opinion with myself, since I have not very often found opinions different, but where apparent regard has been shewn to difference of interest.—Upon considering the charter, and the state of the place to which it was granted, it appears very unlikely to

* See vol. 12, p. 788.

* From the Gentleman's Magazine.

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me, that an alderman should be excluded from being mayor; it appears yet more unlikely, that the charter should have been misunderstood by the monarch that granted it, and that it should have been broken almost every year for more than a century, without any notice of the violation, till the slaves of the late minister had their sagacity sharpened by a participation of the spoils of the people, and their industry excited by the approach of danger, the danger of losing their patron, and sharing his punishment.—The improbability of such a series of uninterrupted, unregarded errors is so great, that I am convinced of the rectitude of the practice which has been now censured, and believe, that it has continued so long without impeachment, only because it was known to be consistent with the charter, and no officious informer had yet been found, who would attempt to disturb a corporation in the exercise of their legal rights.—I need not, therefore, inform your lordships that I think the judgment of the court of King's-bench erroneous, and the precedent which it may afford remarkably dangerous; and, therefore, I think myself engaged in the defence of truth, the opposition of tyranny, and the support of the constitution, when I move, that this judgment should be reversed.

Lord Chancellor *Hardwicke:*

My lords; I have no intention of opposing the noble lord whose opinion has been delivered, and whom I have heard with the regard which his abilities demand, and which his zeal naturally enforces, nor shall I now deliver my opinion on the question before us, having no other intention than to remind your lordships of the established order of this House.—When a writ of error is to be examined here, it is the constant practice to consult the judges before any motion is made; a practice not only established by custom, but supported by reason; for the discussion of a question ought to precede its decision; and, in order to the discussion of it, every lord ought to endeavour to understand it in its whole extent, which cannot always be expected from those whose education has not made them acquainted with the niceties of law. For this reason the judges are required to attend the House, to whom every lord may propose such questions as appear to him necessary to a perfect intelligence of the affair before him; and in cases of this kind, the opinion of the judges has been generally the foundation or rule of the determinations of the House.—To move for the decision of the question, before the sentiments of the judges are heard, is wholly contrary to the order established by the wisdom of the ancestors of your lordships, to whom it would have appeared a decision before examination, or at least an attempt to precipitate a sentence, without due regard to the forms of the House, to those forms which cannot be neglected, without obstructing the end for which they were introduced.—That this affair, therefore, may be more diligently examined, and better understood, I will, with your lordships' leave, propose the chief questions to the judges, that the arguments upon which the sentence of the court was founded may be heard, and hope that every other lord will propose such questions as may contribute to his own satisfaction.

Two Questions were then put to the Judges: 1. 'Whether an alderman of the 'borough of Weymouth is a burgess of 'the said borough, and is capable of being 'put in nomination, in order to be mayor 'of the said borough, by virtue of the 'charter of the 14th year of the reign of 'King James I.'

The Judges present, namely, Mr. justice Denison, Mr. justice Burnet, sir Thomas Abney, Mr. baron Reynolds, Mr. baron Carter, and sir John Willes, lord chief justice of the Common Pleas, being directed to deliver their opinions with their reasons, seriatim, upon this question, they were all heard accordingly, beginning with the junior, and declared their opinion to be, 'That an alderman was a burgess, but 'not to be considered as capable of being 'put in nomination to be mayor.'

2. 'Whether the rejoinder is a depar-'ture from the plea in bar, and what is 'the consequence thereof in point of law 'upon this record?' On this Question the Judges having conferred together, the lord chief justice of the Common Pleas acquainted the House, 'That this is no de-'parture in pleading, and cannot be at all 'material in the present case.' Hereupon

Lord *Talbot* spoke again:

My lords; I had not the least intention of precipitating the judgment of your lordships, or hindering any lord from proposing such Questions to the judges as might contribute to his information, or give satisfaction either to his scruples or

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curiosity; I was very far from designing any innovations in the orders of the House, and made the motion without imagining, and certainly without knowing, that any questions would be proposed; since the fulness of my conviction did not suffer me to suspect that any doubts could be formed, or any difficulties raised.—With regard to the questions which have been proposed with so much gravity, and answered with so much solemnity of diction, and pomp of argument, I am not ashamed to confess, that I did not expect them; and that I do not now discover for what end they were proposed. I have been able to draw no information from the several answers that have been given, nor am otherwise instructed by them, than that I have had one more opportunity of remarking how easily truth may be obscured, and how much the greatest abilities may be misapplied.—The question before us, my lords, is a question not of law but of right, and is, therefore, to be decided not by criticisms and by precedents, which may be sometimes uncertain, and sometimes contradictory, but by the sacred and invariable rules of moral justice: rules which I hope we are not now to learn, and which have no dependence on the authority of the judges. It has been indeed insinuated by the noble lord, that our decision ought to be founded on their opinion; but surely amidst his solicitude for order, and his dread of innovations, his lordship ought to have forborn such an assertion; an assertion not only never heard in this House before, but inconsistent with our privileges; an assertion by which we are at once deprived of our judicial right, and reduced from the highest court of the kingdom to be only the echoes of the judges. To what purpose would it be, that our fellow-subjects have a right of appealing to us whenever they are injured by an erroneous sentence, if we are only to repeat the opinions of those who have already determined the cause? Or why do we sit here to deliberate, if the sentence is not to be ours, but that of the judges? For surely the sentence cannot be called that of your lordships, which others dictate, and you only pronounce.—I am so far, my lords, from thinking it my duty to resign my understanding to any twelve men, however venerable or learned, that I should not have thought it necessary to ask their opinions; for in giving my judgment, I shall consult only my reason and my conscience; and I shall never, I hope, endeavour either to blind the one, or lay the other asleep; I doubt not therefore of being directed right, nor shall I need to take for guides those on whom nature has conferred no other powers than on myself. —In examining this question by the steady light of common sense (a light which very seldom deceives, but when the clouds of sophistry are thrown over it) I find, that the sense, which the judges have unanimously preferred, cannot be the true sense of the charter, because he that granted it, understood it in another; and because the state of the place, and the small number of inhabitants, absolutely require, that another sense should be admitted; for it cannot be imagined, that any monarch should intend to have a whole town of aldermen, a town in which every man should be invested with authority, which he could never exercise but upon his brother governors.—Nor can it be conceived, that these men thus dignified should be always subjected to the superior authority of another, upon whom no trust or office had been conferred before, and of whose justice or moderation no proof had been given; or that it should be the intention of a charter, that the first office exercised by every member of it, should be the highest; that he should be qualified, in opposition to all the rules of policy hitherto received, by greater employment for meaner offices, or that he who had laudably discharged his trust, should be for ever incapable of being trusted again.

There is no end, my lords, of enumerating the absurdities which arise from this construction of the Charter, which ought, if it be understood in this sense, to be as void in itself, as inconsistent with the common reason of mankind, and the general principles of government; and therefore such as it would be injurious to the public, and reproachful to those by whom it should be received; a charter by which society would be inverted: by which the many would be employed to govern the few; a charter by which virtue would be discouraged, since he that executes his office with applause, is equally incapacitated for re-admission to it with him that plunders or oppresses; a charter which confers the highest authority on him who has the least experience, and condemns every man to move from a higher to a lower sphere.—If any lord should imagine it his duty to concur in an opinion like this, I shall not envy his easiness and tractability; for my part, I have

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no reverence for absurdity, nor can prevail upon the ruggedness of my nature to give up reason to complaisance.

But, my lords, not only the reputation of your wisdom, but of your justice likewise is interested in this case. If we consider how necessary it is, that those who are to be governed, should obey with willingness, and how slowly those are obeyed who cannot be esteemed, it will be thought by no means a slight consideration, that this sense cannot be adopted by us, without danger of contempt and ridicule; yet this argument, as it may seem, in some degree, founded upon a regard to our own interest, some lords may think themselves at liberty to slight, who will, I hope, shew more respect to the obligations of justice.

Let us therefore enquire, my lords, how we shall discharge the duty of judges by confirming the sentence which is now before us; let us examine, whether we shall act as the guardians of right, and the last resort of oppressed privilege, or whether we shall not appear instruments of ministerial tyranny, and the mean reporters of the sentence of an inferior court.—By confirming this sentence we shall not only deprive a magistrate of his office, which he holds by a claim which has been thought just for more than a century, and in the exercise of which it appears reasonable to believe, that he is disturbed not for misbehaviour, but discharging his trust; but we shall entail upon the town and corporation perpetual confusion and disturbance, evils which government was instituted to prevent; we shall subject them for ever to the authority of men untried and unexperienced; and by consequence to all the mischiefs of ignorant, if not of corrupt administration.—This, my lords, is sufficient to determine my judgment; and I hope it will be of equal weight in that of others. I shall not willingly interpret a charter, which is always an act of royal favour, to the disadvantage of those to whom it was granted; for I never heard of a charter of corruption, or ignorance, or misery; and since it is more happy to live without government, than to be governed ill, I cannot believe, that a charter like this, as it is now interpreted, was ever given. I therefore conclude the Judgment erroneous, and once more move that it be reversed.

The Earl of *Cholmondeley:*

My lords; though it should be admitted that in giving judgment upon questions like this, we are not obliged implicitly to resign our own opinions to that of the Judges, but may after having heard their sentiments recede from them; yet not only the customs of this House, but the plain dictates of common sense, apparently direct us to pay great regard in our determinations to men, whose attendance the wisdom of our ancestors required in this House only for our direction, and who may reasonably be supposed better qualified than ourselves to determine questions to the study of which they have devoted their lives, who preside in our courts of justice, to decide property and pass sentence upon life.

To what purpose do they sit here? To what purpose has their presence been required from century to century? If they are not to be heard, or when heard, not to be regarded? or why does any man spend his time in study, if the most extensive knowledge will entitle him to no authority? I have hitherto been told, that it is rational to trust an artist in his own art, nor have I yet found my faculties such as may enable me to judge better upon a new subject than those who by long converse have made it familiar.

On this occasion at least I can discover no reason for treating the opinion of the judges with contempt, or negligence; because it appears to me indisputably right, being founded upon the plain construction of the words of the charter.

By this charter, my lords, a corporation is constituted consisting of a mayor, bailiffs, aldermen, capital burgesses, and burgesses, of all these persons the power and privileges are distinguished, the offices assigned, the duration of the offices limited, and the choice of the officers regulated; in all these parts of the charter, the burgesses are evidently considered as distinct from the capital burgesses or aldermen, and it is directed that the mayor shall be chosen from the burgesses, and after the expiration of his office shall become an alderman for life. This, my lords, is a sufficient proof that he is supposed not to be an alderman before his election to the mayoralty; and this provision added to the consideration of the distinction made through the whole charter of the burgesses from the rest of the corporation is sufficient to shew, that none but a burgess can hold the office of the mayor by this charter.

With regard to the inconveniences that may arise to the town from this institution, or any absurdities that may be imagined to be comprised in it, they do not regard us

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but the authors of the charter, who must be blamed for any defects or weaknesses that may appear in it; but surely no part of the censure can fall upon those who only explain it, and deliver nothing but what they find in it in the most expressive words. The charter may undoubtedly be absurd, and therefore the explanation which implies that absurdity be right.

That this charter is in reality absurd, I am not about to assert, because it is not our province to amend but to explain it; but surely to show that any explanation is false, because it implies an absurdity, is to suppose the authors of the charter exempt from the common frailties of human nature.—Besides, my lords, it is possible, that the state of the place may, since the grant of the charter, be much altered, and that the inconveniences which are now justly objected might not have been feared, when the inhabitants were more numerous. I am therefore, my lords, of opinion, that the sentence of the King's-bench is founded upon the words of the charter understood in their natural sense; and shall therefore vote for confirming it, unless stronger arguments shall be offered against it.

The Duke of *Bedford:*

My lords; though the noble lord has with great art defended the sentence which is now under our examination, has with great address obviated some of the objections which have been made, and recommended to our regard the opinion of the judges with unusual eloquence; yet the effect of his rhetoric has only been, that I have listened to him with that pleasure which a candid man naturally receives from the contemplation of great abilities, but without that satisfaction which an upright mind always feels from the discovery of truth.—The opinion of the judges ought undoubtedly to be treated with great regard, whenever questions are examined which it is the peculiar province of the judges to explain; nor have I heard that any lord has endeavoured to degrade them from their authority, or raise himself to a competition with them in the knowledge of the law; that knowledge which makes their presence necessary in this place, and in which alone it is reasonable to suppose that they can give any information to your lordships.—That their opinion therefore is of great importance in the present question, my reverence of their knowledge or abilities, however great, will not suffer me to allow; for I cannot think this so much a question of law as of equity, and though I cannot pretend always to determine what is legal, I hope, I may at least be able to discover what is just; because without this faculty I should not only be in danger of erring as a member of this House, but as a member of society, and should not only be incapable of the duties of a peer but a man.

In such questions therefore, I shall pay little regard to the opinion of any other man, but shall consult my own understanding; since I think it not the peculiar privilege of any profession to distinguish right, but the faculty of every man who shall honestly search after it; and as the construction of the charter which the judges have advanced is contrary to my understanding, I shall never receive it, till I can find means of reconciling them.—The absurdities of this construction have already been explained by the noble lord, and are indeed such as cannot be aggravated, extenuated or avoided; but by admitting that sense of the charter which has been for more than a century received. It is evident from experience, the only sure test in such cases, that no inconveniences will follow.—But it is objected, that this construction, how long soever it has been admitted, is contrary to the terms of the charter; and therefore that its long reception is only an argument that it should be suffered no longer. I have considered, my lords, the words of the charter with great attention, and can discover nothing in them directly opposite to either sense; for though the burgesses are neither capital burgesses nor aldermen, yet an alderman or a capital burgess may be a burgess; as a peer is a gentleman, though a gentleman is not necessarily a peer, as the greater includes the less, but not the less the greater.—That it is directly specified that the mayor, after the conclusion of his office, shall be an alderman for life, does by no means infer that he must not be an alderman before; nor is the provision made for any other reason, than that if the merit of any man shall raise him without the usual gradations to the highest trust of the corporation, he shall not sink down to his former meanness, but shall retain some degree of dignity to the end of his life; there are offices which he that executes becomes an esquire, but from which an esquire is not therefore excluded; a seat at the board of council bestows a title equal to that of your lordships, but surely,

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my lords, that provision does not exclude you from being counsellors.

A charter, my lords, is, like a will, to be construed not according to the letter, but according to equity and reason; nor is any thing more to be regarded than the intention of the testator. This indeed is not always easily to be known, because a will cannot be in force, till he that made it is incapable of explaining his own meaning: but the state of a charter is different, a charter is a will executed by him that made it, and to which the meaning therefore cannot be mistaken.—That the king who granted the charter differed from those whom we have consulted in his conceptions of its meaning, is evident; because though he directs the bailiffs as well as mayor to be chosen from among the burgesses, he yet nominates two of the aldermen the two first bailiffs, nor appears, though he was not ill qualified to judge of the meaning of pieces more intricate than the charter, to imagine that an alderman ceased to be a burgess, or lost his rights to a higher station.

In considering the charter, my lords, it appears to me to be our duty to confirm those rights which it was the king's intention to bestow upon this corporation; and since his intention is known from his own practice, and his practice is the same with that which has ever since been followed, we may conclude that no alteration is to be made, and that the charter has been exactly observed, since the intentions of its author have certainly been followed.—But, my lords, not only the arguments, which the perusal of the charter may suggest, will influence me to vote against the judges of the King's-bench, but the consideration of the methods of prosecution which have been practised on this occasion, and the consequences which may be derived from this contest to all the corporations of Great Britain.

This complaint of the violation of the charter did not arise from any sense of inconveniences which it produced, or of injuries which the inhabitants of that place imagined themselves to receive from usurpation or tyranny; it was not promoted by any man who thought himself unjustly debarred from authority, or by any body of men excluded from their share in the government of the town. The prosecution, my lords, was the effect of ministerial resentment; it was threatened to influence the election, and was executed not to humble the haughtiness of guilt, but to crush the firmness of integrity; to punish those who could not be terrified, and to obtain those the satisfaction of revenge, who had lost the pleasures of success. For this purpose an attorney, that was a stranger to the borough, was employed to harass the mayor with a prosecution, defeated at the assizes, where men of plain sense were to determine the cause, but successful in the court of King's-bench, where law and subtilty were admitted.

If such proceedings, my lords, should receive a sanction from this great assembly, how long can any corporation hope to enjoy its privileges, after having dared to reject the overtures of the agents of a minister? Of what value will be the immunities which our kings have bestowed upon many cities of this kingdom as rewards of their loyalty, as encouragements to trade, as marks of honour and distinction, or for the more easy administration of government? If prosecutions like this be allowed, it will be at any time in the power of a subtle villain to deprive them of their rights, to disturb the exercise of lawful authority, to confound all subordination, to fill the courts of justice with expensive suits, and the whole kingdom with perplexity and terror. Such, my lords, will be the injustice of confirming this sentence, and such the miseries which that act of injustice will bring upon us; and therefore I shall continue to oppose it; as I hope always to appear an advocate for right, and to promote the happiness of my country.

The Earl of *Bath*:

My lords; after having heard the arguments on both sides, and endeavoured to discover some motives which might determine my vote one way or the other, I do not find the proofs on either side sufficient to over-balance those on the other. Since therefore I am unable to determine my own opinion by my own reason, I shall be content to submit to the decision of those whose studies have particularly enabled them to judge of questions like this; who have had opportunities of perusing a great number of charters, and fixing their sense by frequent comparisons; and who therefore can tell with more certainty what is intended by them, than others who have not had the same experience.—Yet I cannot but confess, that the danger of disturbing ancient settlements, and calling into question those rights which have been established by uninterrupted prescription,

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and the practice of many years, has been very justly urged by the noble lords who have declared against the judgment of the court; nor can it be denied that by confirming the sentence we shall give rise to a very dangerous precedent, a precedent which malice, or turbulence, or ambition, may employ, to disturb a great part of the nation. As I foresee the fate of this question, I hope, my lords, that a Bill will be proposed by which the charters of other corporations may be secured from the same attacks; and that the success of this prosecution may not give encouragement to others.

The question being put, the Sentence of the court of King's-bench was confirmed by a majority of 21 against 14. And in pursuance of the earl of Bath's proposal, the foregoing Bill was brought in.

March 11. The said Bill was read a second time. Hereupon,

Lord *Romney* rose and said:

My lords; when, at the conclusion of a late debate, it was proposed by a noble lord, that a Bill should be drawn up for the prevention of those disturbances in corporations, which were feared, and feared with great reason, from the judgment then given, the equity and propriety of the proposal was approved, at least tacitly, by the whole House; and a Bill for that purpose has been accordingly drawn up, and brought in, in conformity to the notions which appeared, at the time when it was proposed, to prevail in the House, and formed in such a manner as to be very little liable to evasion, and therefore such as, in my opinion, will carry the greatest security.

The Bill is now after the second reading, in due course to be referred to a committee; and then, whether it be agreeable to the intention of your lordships, whether any necessary provisions are omitted, whether any ambiguities may furnish opportunity to artifice and subtilty for such explanations of it as may defeat the end for which it is designed, will be properly enquired. I doubt not but it will be found, if not a perfect Bill, at least a foundation on which such a superstructure of securities may be raised, as all the arts of malicious prosecution, and all the efforts of ministerial power shall never be able to overturn or shake. I shall at present, therefore, only beg your lordships' indulgence to shew the necessity of a Bill for this purpose, if the present should not be approved.

It is to be considered, my lords, that the general state of most of the corporations of this kingdom is necessarily such, that very few of the members can be supposed to understand the charter from which they derive their authority, and that therefore they do not regulate their conduct by consulting it as occasion may demand, but by enquiring, how their predecessors acted in similar cases, upon the presumption very generally admitted, that the precedent on which the present officer founds his behaviour, was likewise justified by some former precedent, and that the series of precedents was so carried up to the first institution of the corporation, when the charter must be supposed to have been critically explained, and accurately understood. Thus, my lords, in many corporations the knowledge of their own privileges is merely traditional. Example supplies the place of rule, and the charter, however carefully preserved, is seldom consulted, because it is not understood.

But, my lords, tradition, where it is confined to a small number, and where it sometimes depends upon the memory or integrity of a single man, may be very easily changed, and insensible deviations from the charter may be multiplied by degrees, till a very great change shall be made in the state of the corporation, who may yet think that they are acting by virtue of the grant which their predecessors received, and exerting no privileges but what were granted them by regal favour. It is therefore, my lords, to be remembered in favour of those who have in any case departed from the strict construction or original intention of their charter, that their deviations are for the greatest part rather errors than crimes, that they are more often the effects of real and unavoidable ignorance than of artifice or design, and that they have therefore a natural claim to pardon and indulgence.—There is likewise another consideration which may induce your lordships to promote a Bill like this, a consideration, in my opinion, of very great importance, and which a little experience in affairs will show to be by no means chimerical. It is not unlikely, my lords, that many charters may be disregarded, because they cannot possibly be observed, or not without greater inconvenience than the forfeiture of them would produce.—It is very easy, my lords,

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to suppose that by the increase or diminution of the number of inhabitants, the fluctuations of trade, the translations of property, the accidents of war to which some of our corporations have, in the unhappy times of our ancestors, been frequently exposed, the calamities of fire and inundation which are equally to be dreaded at all times, or the improvements or degeneracy of the circumjacent soil, our towns are subject to changes either sudden or gradual, while the charter by which they are governed continues the same; but it will easily be imagined that the form of government which was convenient for one state may be impracticable in another. The government of a town in its flourishing condition may be committed to such a body of men, under various denominations, as may exceed the number of its inhabitants in its decline; or such qualifications may be made necessary to its chief magistrate, as in time no man may be found to possess.

It may likewise happen, my lords, that by the improvement of any manufacture or the attainment of some new advantages, a town may be remarkably augmented and enriched, of which it is not difficult to find examples in this kingdom, the charter then may be found equally inconvenient. Increase of people produces new combinations of property, and new varieties of claim; and when there is an increase of possessions which are the natural subjects of dispute, disputes will likewise proportionably increase; if a charter then be intended to enable the magistrates to govern the town, the charter must by equitable construction be enlarged with the wants of those whose benefit is intended by it. —That both these cases have happened in this kingdom cannot be doubted; nor can it be imagined that many charters have been observed in the utmost rigour, since I believe it would appear, if their dates were examined, that trade has changed the whole face of the nation, since they were granted.—It may likewise, my lords, be easily conceived that some of the charters may be in themselves dubious, imperfect or inconsistent, that they may prescribe conditions impossible to be always found in order to qualify the magistrates, or omit powers absolutely necessary to government, or direct the different offices to be executed in a manner which must produce perpetual disputes.

All this, my lords, may be reasonably suspected by any man who considers the imperfection of many of our laws, though they pass through the consideration of much greater numbers than we can suppose to be engaged in drawing up a charter, and though the forms of the legislature require that they should be read at different intervals, that what is overlooked at one time may be discovered at another. It is well known that in the execution of many of these laws the sense of some passages was at first arbitrarily explained by the courts, and such explanation confirmed by a long course of precedents at last established as authentic and indubitable, and that many defects have been supplied by regarding only the intention of the legislature.

What the frailty of human nature, even where it may be supposed to act with most vigour, has hitherto made necessary in the national laws, may surely be allowed in the charters of particular corporations, nor can they be charged with any departure from right, in attempting to reconcile their charters with justice and with reason.—It may be urged, indeed, that when a charter is found thus imperfect, or when the state of the place is altered, a new grant should be solicited from the same power which bestowed the former, that no society should presume to bestow privileges upon themselves, or explain the grants of the crown according to their own present convenience, or accidental caprice; that all evils should be redressed by proper authority, and that new charters should be granted where the old cannot be observed.

This, my lords, may be easily and speciously alleged by those who are desirous of propagating dependence, or introducing discontents, complaints and confusion, but will not be much regarded by those who are acquainted with the general state of mankind, who know that these inconveniences are often felt by degrees, that their first accesses are too slight to require complaint, and seem to admit of remedies by such trivial alterations as are unworthy of any public notice, or formal permission, or legal establishment; that the first deviations naturally, sometimes necessarily, lead to others of which the gradations are again small, and if not in themselves imperceptible, frequently unperceived, and disregarded; and that those who have wandered farthest from their original establishment, do not know when they left the path which was marked out for them, since each man has followed him that

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went before him, upon supposition that his leader still observed the track of some other guide.

It will likewise be worthy of the candour of your lordships to consider what difficulties men, not much acquainted with pnblic affairs, may find or fear in soliciting a new charter; how ignorant they may be of the proper methods of application; how unable or how unwilling to support the expence which the detestable practice of our own times, has made the certain attendant upon all solicitation; how much the perpetual struggles of party have influenced the determination of all questions relating to corporate bodies: how unwillingly every man dissolves a certain establishment in hopes of mending it by a lucky chance; and how justly every community may fear that, if their charter was resigned, another would either not be granted, or would be wholly regulated by the private interest of particular persons, who desired either to punish or enslave them, either to revenge past disappointments, or to prevent future defeats.

These considerations, my lords, will easily appear to be reasonable and general; that they are reasonable, even the late prosecution which gave occasion to this Bill will evince, and that they are general, appears from this, that though it cannot be doubted but that the changes which the last century has produced in most of our towns and cities, must naturally incline them to wish for some alterations in their charters, by which they may be better accommodated to their present state, yet we do not hear from any part of the kingdom of any petitions for new charters, or any resignations of those which have been formerly granted; nor can this seeming neglect of their interest which apparently prevails in almost all the towns of this kingdom, be imputed to any other cause than an universal jealousy that no change can be obtained for the better, and that by endeavouring to set themselves free from less evils they shall only expose themselves to greater.

This is, in my opinion, a sufficient apology for the application of remedies not strictly legal, that they are easy, certain, and safe, and that those which the law prescribes are hard to be obtained, and dubious in their event; that the one is in their own hands, and may be used and laid aside at pleasure, the other must be procured by long attendance and expensive solicitation, and if obtained, will be imposed for ever upon them, and may be in time more burthensome than the evils which they were intended to remove. These reasons, though they cannot wholly justify, must at least extenuate, any slight transgression of arbitrary laws; and he certainly deserves to be applauded for his regularity, who does not sometimes commit equal crimes with less temptations.

It is likewise reasonable to believe, my lords, that all these secret and unregarded violations are commonly in themselves either conducive to the general advantage of society, and therefore consistent with the intention, though contrary to the words of the charter, or at worst indifferent; and therefore such as, having been long tolerated, may be at length safely confirmed; confirmed in consequence of experience, which is the sure, the only guide in complicated cases. That they are not detrimental, may be concluded from the silence with which they have been acted, and the patience with which they have been borne; for it cannot be imagined that one part of a corporation would suffer another to recede from their common charter for the sake of any particular interest, or that the whole body would concur to violate it but for the general advantage.—It therefore appears to me, that your lordships, by confirming the charters of this kingdom in their present state, will establish peace, and promote happiness, and that your endeavours will deserve the thanks both of the present age and of posterity.—For which I move, that the Bill be referred to a committee.

The Earl of *Cholmondeley:*

My lords; I am very far from denying in general all the positions of the noble lord. He must be allowed to have given us a very striking view of the reasons which may possibly have contributed to the violation of charters; he has shewn great extent of observation, and great strength of reflection, in comprehending and explaining all the inconveniences which may arise from a strict adherence to them, and no less dexterity in extenuating the offence of departing from them.

That many of his assertions are true, that some of them cannot be reasonably supposed false, I am ready to confess: but cannot therefore admit the inference which he intends, that this Bill is consequently necessary or proper; for I cannot but think that it must appear more dangerous to the public happiness, than the

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evils which it is designed to obviate or to remove.

Let us consider, my lords, what we are about to enact by consenting to the Bill which is now before us; it is proposed, that all the present practices of all the corporations of this kingdom, if not questioned or suppressed before a certain time, which time is intended, I suppose, to be placed at no great distance, shall for ever be confirmed, and considered a part of their charter, that no election should be called in question, nor the qualifications of any magistrate examined.—The first reflection that must occur to every man whose vote is desired for a law like this, is, that he is required to act in the dark, to confirm practices with which he is unacquainted, of which he knows neither the previous motives, nor the consequent effects; and to support magistrates of whom he knows not how they obtained, or execute their offices. It is impossible not to consider, that by passing this Bill, we shall decide a thousand questions which we have not examined, and justify a thousand actions of which we have had no account.—To act thus, my lords, is surely unworthy of an assembly celebrated at once for wisdom and for justice; it is unworthy of a rational being, to determine without any motives to influence him; it is the wildest deviation from the paths of justice to decide without hearing the cause.

The noble lord has, indeed, endeavoured to shew, that this conduct may be beneficial, but cannot be dangerous; that though we do not know the particular state of every transaction that will be involved in this Bill of impunity and security, we have yet knowledge sufficient to influence us to pass it; since in his opinion, it is reasonable to conceive, that all the violations of charters are innocent at least, if not beneficial; and therefore by securing them from censure, we shall do no injury to any community.

I cannot discover, my lords, any reason for imagining that charters are never broken, but for good purposes. I am not much inclined to believe, when I see the law broken, that the law is to be blamed; for, though laws are the contrivances only of human wisdom, and therefore may be in some cases inconvenient, and in others defective, and though it is not impossible, that the happiness which a law is intended to promote, may be more advanced by neglecting than observing it, yet I cannot allow, that private men should erect a tribunal superior to the legislative power; and I think that the precept, of which every man is left at liberty to judge, and by which therefore no man is obliged, is no law. Nor do I readily conceive, that those who break the law, find it so much inconvenient to the public as to themselves.

To assert, that the charter is never broken but for the general advantage of those to whom it was granted, is, in my opinion, to assert not only without proof, but against experience. Charters, my lords, are often broken in the struggles of party, only to obtain a single victory, or temporary superiority; they are broken sometimes by the wealthy and powerful, for more detestable and infamous purposes, for the sake of engrossing authority, and of oppressing those who shall murmur at their administration. They are broken sometimes for the sake of diverting public charities to private uses, sometimes to aggrandize particular families, sometimes to advance the general interest of the town to the disadvantage of foreigners, or of neighbouring places, and sometimes indeed, which is most easily to be excused, by mere negligence or ignorance.

If a view were to be taken of all the boroughs and cities of this kingdom, I am afraid, my lords, instances of charters, violated for the most flagitious of the reasons which I have enumerated, would very frequently occur; for nothing can be more fallacious than the inference made by the noble lord, that no inconvenience is felt or feared from the violation of charters, because no petitions are offered to the parliament, and no prosecutions are commenced in the courts.—It is to be considered, my lords, how many cruelties and injuries are suffered every day in the sight of almost every man, without any regular appeal to the laws for redress, and very often without resistance, and without complaint; let us reflect upon the reasons of this submission, and we shall soon discover, that a practice is not necessarily approved because it is borne.—When charters are broken, they are broke certainly with some temptation of advantage, and in confidence that the violation will pass uncensured; but it does not follow, that this confidence arises from integrity, or that the advantage which tempted to it was general. It is, I am afraid, my lords, more frequently to be found, that by the violation of charters, as by the depravity

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of other governments, the many are injured for the gain of the few; and that practices contrary to the original institution of corporations, are continued by the same arts and the same weaknesses as all the other oppressions of tyrannical government. The advantage of oppression is immediate, and certain, and great because it is extended to few, who, because they are few, are easily united by common interest, or by common danger: the advantage of resistance is distant and uncertain, and perhaps to each individual not worth the danger of the contest, in which, if he should be deserted by his associates, or overcome by artifice or strength, he must expect to be pursued with the utmost rage of vengeance.

This argument it is not now necessary to trace through those deductions which might raise it to certainty; it is enough, that it appears upon the most transient view, equally probable with those to which it is opposed, and that it may be strengthened even by the reasoning of the noble lord, whose eloquence and acuteness have given occasion to it. Let him consider, my lords, the reasons why those who are dissatisfied with their present charter do not petition for another, let him consider once more the expence of solicitation, the labour of attendance, the virulence of party, and the danger of disappointment, and he will not wonder, that the violation of charters is sometimes borne by those who do not approve it. Many men who are oppressed want spirit, and others money to set themselves free; many are afraid of interrupting their quiet, and many of being branded for discontent and litigiousness.

It is likewise to be remembered, that the charters, represented as very little consulted or understood by those on whom they are supposed to confer authority, may be no better known to those who submit to the authority conferred by them; and to the noble lord's plea, that charters are violated by ignorance more than by design, it may be easily replied, that the violation of charters is likewise oftener borne, because those who are oppressed are unacquainted with the extent of their own legal claims, than approved as necessary to the general advantage of the community.

Surely nothing would therefore be more unreasonable than to confirm the present usages and customs of corporations without restriction, and without limits; to deprive perhaps a great part of our fellow-subjects of rights to which they have not a claim less just, because they do not know them, or cannot at present conveniently assert them, and to establish oppression, which is not less criminal, because it is practised under the sanction of a charter.

If a Bill should be proposed to your lordships by which every man should be confirmed in his present possessions, by what title soever held, or by what means soever obtained; if it was proposed to you to enact, that stolen goods not reclaimed in a certain time should remain for ever the property of the thief, the motion would be rejected with indignation; yet I know not what could be urged against it, that is not really of equal force against this Bill.

That there are some inconveniences in the present practice, cannot be denied. Some deviations from charters are perhaps inevitable, others are rather errors than crimes, and yet all of them subject corporations and magistrates to vexatious prosecutions, and expensive contests; all of them may sometimes furnish opportunities to the agents of faction or ambition, to call in law to the assistance of party, and under the pretence of public justice to advance the particular interests of wicked men. These, my lords, are real evils, and for these, he that can provide an adequate remedy will deserve to be remembered with the highest honour by all future ages. But surely, my lords, to prevent these prosecutions by legitimating the practice, however criminal, that may give occasion to them, is not more rational or just, than to decree, that no crime shall be henceforward punished, because some punishments have been unjustly inflicted; that no thief shall be hereafter prosecuted, because some prosecutors have shewn that they acted rather from malice than from justice.

For my part, my lords, I am afraid that this evil must remain among the irremediable inconveniences of government, among the unavoidable consequences of the wickedness of mankind, and that as no Bill can provide for all the particular interests that can be computed, nor the contrary practices of different places that are to be adjusted, so no general law can be made, which will not rather support guilt than secure innocence.*

* The remainder of this Debate is from the London Magazine.

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Lord Chancellor *Hardwicke:*

My lords; as no human institution can be so absolutely perfect as to be free from all inconveniences, it requires great judgment and foresight to chuse that which will be exposed to the fewest, or the least dangerous consequences. This is the most that can be done by human wisdom, and to do this requires the strictest scrutiny, the most mature deliberation. The scope and intent of this Bill I approve of, and I shall grant, that the Bill is fundamentally right; but I am afraid, that, in the shape it now appears in, it will produce more and greater evils than those it is intended to cure. To remain always liable to prosecutions, penalties, and forfeitures, is a most unfortunate situation for a private man, and it is equally so for a public society or corporation. Such a corporation, I shall allow, must always be very much under the influence of ministers, who must necessarily have the direction of those prosecutions, and the power of exacting those penalties and forfeitures. For preventing this, I wish a law could be contrived, which would not expose us to greater evils; but, I fear, it is impossible; for there are many evils and many inconveniencies which every society is exposed to, that cannot be prevented by a positive and particular law, without opening a door for greater: such evils or inconveniences must therefore be left to the care of the civil magistrate, and the superintendency of the supreme and absolute power of the society. By our happy constitution this supreme and absolute power is lodged in such hands as may safely be trusted: it is lodged in King, Lords, and Commons; and as they have a power to declare that to be a crime, which was never declared to be so by any statute; as they have a power to inflict an adequate punishment, though no particular punishment was ever prescribed by any positive law, we have the less reason to increase the volume of our statute book, already too voluminous, by describing every crime that can be imagined, or by prescribing remedies for every inconvenience the society may be supposed to be liable to.

In political as well as natural life, my lords, I believe, there may be such a thing as hypochondriacism; and politicians, who have the mifortune to be subject to this distemper, may suppose our political constitution to be infected with maladies, or exposed to dangers, which have no foundation but in their own crazy imaginations. I am far from thinking, that the danger intended to be guarded against by this Bill is of such a nature; but we should be careful, lest by contriving remedies for imaginary evils we expose our constitution to real, which is often the case of hypochondriacs in natural life. It is the business of the crown to take care, that every member of the society conforms himself to those laws and regulations which are established for the good government and happiness thereof; it is the duty of the crown to prosecute those that do not, and to exact the penalties and forfeitures, offenders have incurred, when the good of the society requires rigour; and the performance of this duty must necessarily be lodged in the hands of the ministers and servants of the crown: if they should make use of the power thus necessarily lodged in their hands, in order to gain an illegal and pernicious influence over our cities and corporations with regard to their elections, I shall grant it would be a real evil: I shall grant, that the proper remedy ought to be applied as soon as possible; and that remedy our constitution has already provided. An impeachment is the proper remedy: that remedy is to be applied by the other House, who are certainly the best judges, because they will first feel the effects of the distemper; and if ever they should feel the effects, we may depend on it, that they would, without loss of time, apply the remedy.

For this reason, my lords, I must suppose, that the distemper intended to be cured, or rather prevented, by this Bill, is as yet a little imaginary, and consequently that the Bill is at present unnecessary; but this is not all; if this Bill, as it now stands, should be passed into a law, I think, it would be attended with many inconveniencies, and with very dangerous consequences; or that otherwise it would be without any effect; for if you limit the prescription to a very short time, it would be of the most dangerous consequence, and if you fix it at a very long term, the Bill could have little or no effect, because the power of ministers, with respect to the prosecutions they may carry on against Corporations, would remain so extensive, that an ill use of it might produce all the bad effects it can do at present, and consequently could not be restrained by this Bill, but by that remedy which our con-

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stitution has already established; I mean a parliamentary enquiry, and an impeachment, or Bill of pains and penalties from the other House.

Prescription, my lords, or that right which a man acquires by a long uninterrupted possession, has always been looked on with an evil eye by the common law of this kingdom; and the statutes, by which prescriptions or limitations are established have been generally, and ought to be strictly interpreted. So cautious has our law been of adopting this method of acquiring a right or an immunity, that *Nullum tempus occurrit regi* has been always held as a maxim; and even to this day, it is not held very honourable for a man to plead any of our statutes of limitation, in avoidance of what is supposed to be a just debt. Now, my lords, an office in any city or borough is a right which ought to be justly and lawfully acquired, as much as any other; and the just and lawful way of acquiring such a right, is by a due and regular election, or admission of a person properly qualified for that office. If the person be not properly qualified, or not duly and regularly admitted or elected, he has no just title to that office; and yet by this Bill you are to give him an indefeasible right, if he can but keep possession for a few months, or for a small number of years: I say, a small number of years, for if you make the time for quieting such an officer's or magistrate's possession of any long duration, the Bill will have no effect; and if you establish a very short term, it will, in my opinion, be establishing injustice and violence by a law, which ought never to be done without an absolute necessity. This cannot, in the present case, be pleaded, because, as I have said, we have already a proper remedy against a minister, who sets up prosecutions against corporations with the sole view of influencing elections.

Beside the injustice, my lords, which this Bill may be taxed with, it may be said to be a sort of encroachment upon the prerogatives of the crown; for as the king has the sole right of establishing corporations, he likewise has a right to take care, that the corporation, as well as every officer and magistrate that belongs to it, shall observe the rules he has been pleased to prescribe to them in their charter; and to limit his power of prosecuting for any neglect or non-observance to a very short term, is not only an encroachment upon his right, but it may be attended with very bad consequences; for good order and even the public tranquillity require, that every subordinate society should observe the rules and orders which have been prescribed for their conduct by the supreme power; and we cannot suppose, that any corporation, or any magistrate or officer of a corporation, will be very exact in their observance of those rules and orders, when they know, that a year or two's neglect of prosecution, (a neglect which the officers of the crown are too often guilty of) will secure them against all the disabilities they may at first have laboured under, and against all the penalties and forfeitures they may have afterwards incurred. What confusion this may introduce, or how it may tend to disturb the public tranquillity, may be apprehended, but cannot be easily foreseen; and therefore, I think, we ought not to run the risk without a very evident and pressing necessity.

I must further observe, my lords, that this Bill is really a sort of repeal of those laws, which have always been deemed the great security of our church as by law established. When I say this, every lord must suppose, I mean the Corporation and Test acts; for if this Bill should be passed into a law, the most rigid dissenter might get himself chosen an alderman of London, or a magistrate of some other city or borough, without taking the oaths, or conforming to what is required by law, for the security of our church; and if he should escape being prosecuted during the time to be limited by this Bill, he might continue in that magistracy during life, without ever conforming himself to the established church; for the act does not require his conforming after he is elected; and after the expiration of that time, his election could not be declared void on account of his not having conformed within the year preceding his election; so that, if this Bill were passed into a law, most of the aldermen of London, and all those magistrates in our other cities or boroughs, who are chosen for life, might happen to be dissenters, and such as openly frequented conventicles; for if they did not go there in their habit and with their ensigns of magistracy, they could neither be removed nor punished for the affront put upon the established church.

To this I shall add, my lords, that the passing of this Bill into a law would be very inconvenient for the corporations

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themselves, and might bring many of them into great confusion; for their magistrates and officers would become negligent, and consequently commit great oversights in the execution of their office, if they knew that they could neither be removed nor punished for such negligence, unless the prosecution should be commenced within a short time after the fault committed, which might very probably be expired before the neglect or oversight could be discovered.

And I shall conclude, my lords, with taking notice, that if the Bill were both necessary and proper, yet, I think the present a very improper conjuncture for our passing any such Bill. We know how jealous the people are of the liberties and privileges of our cities and corporations: we know, that an attempt upon, or rather the actual invasion of their liberties and privileges, was one of the chief causes of that general discontent which brought about the Revolution; and our passing such a Bill would make most people suspect, that some attempts of the same nature had lately been made. Is this a proper time to give any ground for such a dangerous suspicion? We are already engaged in one dangerous war: we are, I may say, upon the brink of being engaged in another. Is such a conjuncture proper for raising a suspicion, which must produce such a general discontent, as may not only encourage our enemies to invade us, but crown their invasion with success? Whilst the Bill remains in this House, it is not much heard of without doors; but if it should be sent to the other, let the Bill be in itself never so improper, let the objections to the form of it be never so strong, I should be afraid of its being rejected, because the people without doors, who could not hear the reasons for rejecting it, would, from its being agreed to by this House, suspect, that some attempts had lately been made upon the liberties and privileges of our corporations; and from its being rejected by the other House they would be convinced, not only that such attempts had been made, but that they had been made with such success as to render the Bill for preventing them unsuccessful. This would raise such a jealousy as might be of the most dangerous consequence at such a conjuncture; and the giving cause for any such jealousy would be the more unjust as well as imprudent, because there is no ground for supposing that our government has lately made any such attempts.

For these reasons, my lords, though in general I approve of the design of the Bill, though I think it fundamentally right, yet as I think it unnecessary, as I cannot approve of the form in which it is at present, and as I think it would be extremely dangerous to pass any such Bill at this juncture, I must be against its being committed.

Lord *Raymond:*

My lords; as I have no great knowledge of the law, especially that part of it which relates to the practice of our courts, I shall not pretend to determine how far this Bill may tend to obstruct the law proceedings against those corporations that have not only forfeited, but deserved to be stript of their charter; for that a corporation may deserve to be disfranchised, I believe, none of your lordships will deny; and when we consider, that mobs, riots, and insurrections, generally begin in cities and corporate towns, I believe, it will be granted by all those who desire to have the public tranquillity preserved, that our cities and corporate towns cannot be kept too much under the eye of the supreme magistrate. If this Bill should be found to be such an obstruction to our law proceedings, that no corporation, however guilty, could be prosecuted within the time limited, which may be the case if you make that limitation too short, it must be granted, that the Bill would be attended with very dangerous consequences; and how far this may be the case, I say, I shall not pretend to determine. But upon this occasion, a doctrine has been advanced, with regard to prerogative, which I think something new, and am very far from approving of. It has been said, my lords, that prerogative is designed solely for the good of the society, and that therefore when any prerogative is so far extended, or exercised in such a manner, as to be hurtful to the society, it ceases to be prerogative, and comes to be nothing but an illegal power usurped by ministers, which not only may, but ought to be abrogated by statute.

This doctrine, my lords, I cannot altogether approve of. I shall grant, that all the prerogatives of the crown are designed for the good of the society, so is every power with which any magistrate whatever is, or ever was invested. There is no difference in this respect between the powers with which the crown is by our constitution invested, and the powers with which inferior magis-

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trates are invested, save only in the name, those powers that are lodged in the crown being called by a peculiar name, prerogatives; and these prerogatives as well as the powers any inferior magistrate is invested with, may be made a bad use of, but are not for that single reason to be abrogated or restrained; for every restraint is, in so far as it goes, an actual abrogation or annihilation of the power. If an inferior magistrate makes a bad use of his power, he may be punished, he ought to be punished; and as the prerogatives of the crown are, or by our constitution are supposed to be exercised, or advised by the ministers, if they make a bad use of them, they ought to be punished; but as the wisdom of our ancestors and long experience have found it necessary for the good of the society, and for giving our government a proper activity, to lodge such powers in the hands of the crown, a prerogative is not to be limited or restrained because a minister has made a bad use of it. If this maxim had been ever allowed, we should long before now have had no prerogative left, the consequence of which must have been confusion, or the establishment of some new form of government.

For this reason, my lords, whenever a question comes before us about abrogating any of the prerogatives of the crown, or limiting, which, as I have said, is abrogating so far as the limitation extends, we are not to consider whether the prerogative has been, or whether it may be made a bad use of: we are to consider only, whether that prerogative, or that prerogative without limitation, be necessary for the exercise of government; and as every abrogation or limitation, is, in so far, an alteration of our ancient constitution, as it is a sort of taking a leap in the dark, and may be attended with many consequences which human wisdom cannot foresee, we ought upon such occasions to proceed with the utmost caution and deliberation, neither of which seem to me to have been made use of in the framing of this Bill.

Our corporations, my lords, are, I may say, the creatures of the crown. By our constitution it has always been thought fit to leave the creating of them in the power of the crown, and at the time of their creation the king may prescribe to them whatever form and rules of government he thinks fit. This form they are obliged to adhere to, these rules they are obliged to observe: if they do not, they forfeit their charter; and the king may, or may not take advantage of that forfeiture, as he pleases. This power has for time immemorial been lodged in the crown without limitation, and has always been thought necessary for preserving the order and good government of our cities and corporations. But nothing that has been approved of and established by our ancestors, can, it seems, give satisfaction to the reformers of the present age; and therefore this prerogative of the crown is, I find, to be curtailed, and settled according to a new model, by which these reformers pretend our liberties will be more secure.

Liberty, my lords, is a favourite word, and has always been so in every free country; but it is too often a mask for ambition and lust of power; Julius Cæsar made himself master of Rome, in order to preserve the liberties of Rome; and the contenders for liberty in Charles 1's reign, brought their country under the absolute power of Oliver Cromwell. I wish we may not be now drawing towards some such fatal catastrophe; for the liberties of a free country are always most in danger, when the people are most clamorous for liberty. We have for many ages preserved our liberties under our present form of government: but no one can tell what may be the consequence of any innovation. I hope, the people of this country will never again give occasion to say of them as was said of the plebeians or commons of Rome under their decemvirs: "avide ruendo ad libertatem in servitutem elapsi." This has once already been our case: we got free from that misfortune by a sort of miracle; but let us take care of falling into such another mischance; for if we do, we may very probably be in for ever.

This, my lords, makes me afraid of every innovation. If any attempts have lately been made upon our liberties, let us punish the bold aggressors; but do not let us alter that constitution under which we have so long preserved our liberties. What is now proposed will, I think, make a very great alteration in our constitution, by taking almost entirely away from the crown, that power over cities and corporations, which I think absolutely necessary for preserving in them a due subordination to the government of their country; and consequently I must be against the committing of this Bill.

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The Earl of *Sandwich*:

My lords; I shall very readily join with the noble lord who spoke last, in one thing he was pleased to say. His lordship was pleased to observe, that the liberties of a free country are never more in danger than when the people are clamorous for liberty. In this I agree with him; for the people will never be clamorous for liberty, but when they feel themselves oppressed. Speculative notions or florid harangues will never make a people clamorous: they will never generally cry out till they feel themselves oppressed; and when they feel themselves oppressed, they ought, I hope the people of this country always will cry out: I hope they will always meet with some leading men amongst us who will have compassion enough to give ear to their cries, and courage enough to endeavour to relieve them from their oppressions. In such cases, it is true, the people have often, especially in this country, been deceived by leaders, who, as has afterwards appeared, set themselves up as patrons of liberty, with no other view but to get into power, and when they got hold of what they had all along secretly aimed at, began soon to shew themselves as great oppressors, and as great enemies to public liberty, as any that had gone before them. But is this a reason for the people's being quiet under oppression? No, my lords, it never can be thought so: in this country, I hope, it never will appear to be so. A brave and virtuous people never will tamely submit to slavery or oppression; if they are deserted or betrayed by one leader, or by one set of leaders, they will chuse another, and very probably make an example of those that had betrayed them, as they did in the reign of Charles the First.

It is a mistake, my lords, which most men run into, to think, that Julius Cæsar subverted the liberties of Rome. They were subverted long before his time by the corruption and venality of the Roman citizens; and, indeed, it could not well happen otherwise; for, by their many conquests, they had made the top of their commonwealth too large for the bottom. Their governors of provinces returned with such immense riches to Rome, that they began to have it in their power to bribe the Roman citizens, in whom the whole power of that great republic was ultimately lodged; and from the time the votes of the citizens began to be venal, from that time, I say, they began to be the slaves of those that could bribe them, that is to say, of a few of their grandees or rich citizens. If the Romans had enlarged their bottom: if they had enlarged the foundation of their government in proportion as they increased their conquests, they might have preserved their freedom much longer than they did; but as soon as a few citizens became rich enough to corrupt the fountain of their government, the people of course became slaves to a few of the grandees, and the whole contention was, which of these grandees should be the chief tyrant. These were the circumstances of Rome, when the contest happened between Pompey and Julius Cæsar; and therefore, the contest was not then about overthrowing or establishing the liberties of Rome, but whether Julius Cæsar or Pompey should be master of the Romans.

This I mention, my lords, to shew how careful we ought to be, to prevent its being ever in the power of any one man, or set of men, to corrupt the fountain of our government, which I take to be the two Houses of Parliament. Whenever any thing like this happens, oppression must ensue; and when the people feel the oppression, they will clamour: they will by their clamours, like the longings in some distempers, naturally point out the remedy. The clamours of the people are always, therefore, a certain sign of some distemper, a sign of some remedy's being wanting; and if the court, or court party, at such a time, turn a deaf ear to the cries of the people, whatever consequences may happen, it is not they that seek, but those that refuse redress, who are answerable for them. What signifies it to tell us, that our constitution and liberties were overturned by Oliver Cromwell? Will any lord say, that the people ought to have submitted quietly to the tyranny and oppression of king Charles the First's ministers? I say, his ministers, my lords, for I am very far from thinking that he himself was, in his nature, either oppressive or tyrannical; but it is as plain as history and records can make it, that his whole reign, from the beginning to the year 1640, was a continued course of obstinacy and oppression upon the side of the court, and patience and suffering upon the side of the people. The friends of their country foresaw, that fatal consequences might happen from a civil war: they dreaded, I do not question, all that did really happen,

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and that made them so loth to engage; but at last they saw, that certain slavery would be the consequence of submitting tamely any longer, whereas, by bravely opposing, they had a chance for the re-establishment of liberty.

What happened, therefore, by the art and management of Oliver Cromwell, can be no argument for the people to allow themselves to be made slaves of by the ministers of any king; because if the dispute should unfortunately, as I hope, it never will, produce a civil war, and the people should get the better, it is hardly possible to suppose, that the successful general would be able to do as Oliver Cromwell did; for he was not only in himself a prodigy of art, and of simulation as well as dissimulation, but he had under his command an army of enthusiasts, who, of all sorts of men, are the most liable to be deceived by one who has got the key, and knows how to touch the proper string of their madness. But on the other hand, what happened under king Charles the First, ought to be a warning to all future kings and ministers, to listen to the cries of the people, and not refuse obstinately what the majority of the nation think absolutely necessary for securing their liberties against supposed dangers. Let those dangers be ever so imaginary, if the people cannot be persuaded that they are so, something ought to be done, some concessions ought to be made by the court, in order to give the people satisfaction; and our histories may shew us, that the people of this country are but too easily satisfied; which is the chief reason of our constitution's being so often in want of mending.

It is really pleasant to hear some lords talk of innovations in our constitution, as if they were monstrous and rare appearances. For God's sake, my lords, what are the laws we pass yearly? Is not every public law an innovation in our constitution? Do not we thereby add to, alter, or abridge, some of the powers or prerogatives of the crown? If we had not made many laws for this purpose, can it be said, we should now have had any liberty left? Criminals are every day inventing new crimes, or new methods for evading the laws that have been made for punishing or preventing them, which obliges us almost every year to pass new laws against them: by these the power of the crown is generally enlarged. Ministers again are almost always contriving new methods for extending the prerogatives of the crown to the oppression of the people, which obliges us to be often contriving new laws for restraining them: by these the power of the crown, I shall grant, is lessened. What then? Is not our government a limited monarchy? Is not the power of the crown limited by our constitution and laws? If by experience it be found, that the power of the crown is not, in some cases, sufficiently limited by the laws in being, must not we, ought we not to contrive new laws for that purpose? Lords may, if they please, call this an incroachment upon the prerogatives of the crown: I shall not fall out with them about the term, because I think the prerogative may, and ought to be encroached on, and restrained, as often as experience convinces us that it is too extensive, or that it may be turned to a wrong use.

This, my lords, is the very case now before us: very late experience has convinced us, that, with regard to the power the crown has of prosecuting corporations or officers of corporations, upon any departure from, or misusage of their charter, whenever it pleases, or delaying to bring the prosecution as long as it pleases: I say, experience has convinced us, that this power, or prerogative if you will, is too extensive. A new ministerial trick for extending this prerogative to the oppression of the people, was but last session discovered; and now it is discovered, shall not we contrive some new law for preventing this dangerous practice? A practice, my lords, by which our constitution must very soon, if not prevented, be fundamentally overturned. To talk of prerogative upon such an occasion, and to boggle at making any encroachment upon it, seems to me to be shewing a much greater concern for the prerogatives of the crown than for the liberties of the people, which, I am sure, none of your lordships would be guilty of. I hope you will always disdain the guilt: I think you should avoid even the appearance of it; and if you have a mind to do so, you must agree to the committing of this Bill.

I am surprised, my lords, to hear this Bill represented as such an outrageous encroachment upon the prerogatives of the crown, or as if the crown were thereby to be deprived of the power to keep any corporation to the strict observance of their charter. There is no such thing designed by the Bill: the power of the crown is not in this respect to be in the least diminished. The ministers of the crown only are to be

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obliged to be a little watchful, and to prosecute within a certain time, if thought at all necessary, after the misusage, or the forfeiture incurred; and surely if the misusage be such a one as deserves punishment, or such a one as necessarily requires to be rectified, the sooner it is done it will be the better for the public, and consequently for the crown. If ministers should be so negligent as to let the time to be limited elapse without prosecution, the crown will always have a power to punish them sufficiently for their negligence, by removing them from their employments; and therefore we can never suppose, they will be so negligent, where the honour or interest of the crown is really concerned. But this is seldom or never the case: these misusages or neglects are generally with regard to some little informalities or irregular proceedings of no consequence either to the crown or the corporation, and would never be prosecuted by ministers, if they had nothing else in view beside the interest of the crown; but when they are prosecuted, they subject the corporation to the forfeiture of their charter, which puts them to the expence of obtaining a new one; or they subject the officer to a forfeiture of his office, and perhaps a penalty, or at least costs of suit, if judgment goes against him: this danger, which almost all corporations, and officers of corporations, are, more or less, exposed to, and which may now be kept hanging over the head of an officer during his whole life, if he continues so long in his office, our ministers have lately begun to make a handle of, for influencing corporations in the election of their representatives in parliament; and as this is of the most dangerous consequence to our constitution, it is incumbent upon your lordships to contrive and pass some new law for preventing it. Whether this Bill, as it now stands, will be effectual for the purpose, I shall not take upon me to determine; but if it is not, it can be no argument against committing it, because in the committee it may be rendered effectual.

The threatening of corporations with Quo Warrantos, in order to influence their elections, is a practice, my lords, that has been set on foot by wicked ministers long before this time; and a case that was before us this very session may shew, how difficult it is for a corporation to guard against a forfeiture of its charter. The Report of the Secret Committee will shew us, how a Quo Warranto came to be spirited up against that corporation; and your lordships' Judgment, as well as the Opinion of the judges, will shew, that a corporation may lose its charter, not only by a misuser, but by a misinterpretation of the words of their charter. A misinterpretation I must now call it, since your lordships have decreed it to be so; but I must still think, that your lordships in that case shewed a little too much deference to the opinion of the judges. For my own part, when I recollect the behaviour of our judges, and the opinions they gave, in Richard the Second's time, in Charles the First's time, and in James the Second's time, I shall never think their opinion of any great weight, when it happens to be in favour of the crown, or of those that recommend them to their seats upon the bench. The meaning put by that corporation upon the words of their charter, was first put by those that were concerned in obtaining the charter, who were certainly the best judges of what was intended to be meant by the words of it; for it is very certain that the business of drawing up a charter is always committed chiefly to those that apply for it: they, with the assistance of their own council, are always the first draughts-men, and the king's council only peruse it, to see that there is nothing in it that may be prejudicial to the crown; from whence it must be presumed, that they were the best judges of what was intended to be meant by the words they had inserted; and the meaning they put upon them was, in my opinion, agreeable to common sense and common reason. That meaning was held to be right for near 130 years; but at last was contested by those who were resolved at any rate to overturn that corporation's charter, because at the last election they refused to betray the liberties of their country, by chusing such representatives as were recommended to them by the court; and now, by the opinion of the judges, confirmed by your lordships, that meaning has been declared to be wrong, and a meaning put upon those words, which by accident may make near as many aldermen as there are burgesses in that borough. I shall always be ready, my lords, to submit to the authority of this august assembly; but even your lordships' authority cannot make me think that to be wrong, which, in common sense and common reason, I am persuaded to be right; and I must recommend this remark to our sages of the law, That, in this country,

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thank God! from the time of Alfred the Great to this very day, justice has seldom failed to overtake the bewrayers of justice. She does, it is true, sometimes seem to halt a little; but

Raro antecedentem scelestum
Deseruit pede pœna claudo.

I hope your lordships will pardon my enlarging upon this famous case so lately decided; for I could not omit mentioning it, because upon the supposition that your lordships were right in the judgment you gave, which I must now suppose, it is a manifest proof, that corporations may be innocently led into a forfeiture of their charter; and therefore it is neither just nor safe to leave them always exposed to the prosecutions of ministers upon any such account. If the Bill is not properly calculated for obviating all the difficulties and dangers that may be apprehended, I hope, we shall, in the committee, have the assistance of the learned lord upon the woolsack, towards making it a complete and useful Bill: I hope we shall have the assistance of some other lords, who, by their former conduct, have shewn themselves no enemies to restraints upon the prerogatives of the crown, when experience makes them appear to be necessary; and have even seemed to think, that some restraint was become necessary in the case now under our consideration. By this assistance, I hope we shall be able to perfect the Bill in the committee, and therefore I shall be for agreeing to the motion.

The Earl of *Bath*:

My lords; I had at first no thoughts of giving your lordships any trouble in this debate, because the Bill is so very imperfect, that I did not think the question would stand a debate; but as I now think myself called on, I hope your lordships will excuse my taking up a little of your time, in order to shew, that this Bill is quite different from any thing I ever thought of or proposed upon this head, and that it will no way answer the end for which it is said to be intended. I never thought, my lords, that the power the crown has of prosecuting corporations, when they are guilty of great and notorious usurpations or misusers of their charter, should either be taken away or limited to any time; for if the power of prosecution were taken away from the crown, those who have once got the magistracy or power of a corporation into their hands, might be guilty of very great oppressions, and if the power of prosecuting were to be limited to any time, many usurpations might thereby be established, which would in the end become very oppressive. Usurpations, my lords, are often made, and continued for a long time, before any of the king's officers can hear of them: when these usurpations are first made, and generally for some years afterwards, care is taken to make a very gentle use of them, which prevents any complaint; and till the people of the corporation begin to complain, none of the king's officers or servants can ever hear of the usurpation; so that if the time for prosecuting were limited, the most dangerous usurpation, by a little care and gentle usage at the beginning, might be never heard of till the time were expired for prosecuting, and then I do not see how it could be removed. This might occasion the ruin of many of our cities and corporations, for it is not to be supposed, that a corporation can thrive where the magistrates are invested with great and oppressive powers, because one or other of them will every now and then be making use of the power he has got into his hands, to the oppression, perhaps ruin, of some of the members; and this will make every wise man remove from that corporation as soon as he can.

As I always foresaw, my lords, that this would be the consequence of taking from the crown, or limiting to any time, its power of prosecuting corporations, or the officers of corporations, for great or dangerous usurpations or misusers, I could never think of, much less propose a Bill for such a purpose. What I thought of was a Bill for preventing corporations suffering by mere oversights, or a neglect of some little formalities or ceremonies, required by charter or custom, which are in themselves of no consequence. Such formalities or ceremonies many of our corporations are subjected to, and may suffer by a non-observance of. Nay, many of our manors or land estates, are subjected by their tenure to formalities or ceremonies that are in themselves ridiculous. I myself know a gentleman that holds his estate by this tenure: as our kings of old had often used to travel into, or make a progress through several parts of the kingdom, this gentleman is by his tenure obliged to be at such a corner of his estate every time the king passes by, and to have under each arm a white capon. This of itself is a little ridiculous; but there is something still more ridiculous. What is

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he to do with those capons? He is not to present them to his majesty: there would be some sense in this, because in ancient times the king might, perhaps, have wanted a dinner; but, after he has shewn his capons, he is to carry them back again, and dispose of them in whatever manner he pleases.

There are many of our corporations, I believe, which are subject to, and may suffer by the neglect of formalities or ceremonies equally ridiculous with this, or at least, such as are in themselves of no consequence whether they be observed or no; and against this I should be glad to see our cities and boroughs guarded by a proper law; but surely it will not be said, that the Bill now before us is proper for this purpose. My lords, it is far from being proper even for the purpose for which it is said to be intended, which is, to put it out of the power of ministers to keep a prosecution hanging over a corporation, or over the head of any officer of a corporation, in order to influence the election of their representatives in parliament. Will the Bill be effectual for this purpose? Not at all, my lords. As to the corporation itself, there is no time proposed to be limited for bringing a prosecution against it on account of any forfeiture incurred; so that a minister might still, notwithstanding this Bill's being passed into a law, keep a prosecution hanging over a corporation, and, consequently, over the head of every magistrate and officer belonging to it, as long as he pleased; and if the corporation itself should, by the judgment of a court, be dissolved, I hope it will not be said, that any magistrate or officer belonging to it, could be continued in the exercise of his office. Then as to the magistrates and officers themselves, if this Bill were passed into a law, they could not, indeed, be prosecuted or removed, unless prosecuted within the time limited; and as to those magistrates and officers that are in for life, this might have some effect: but let us consider, my lords, that most of the magistrates and officers of corporations are chosen annually, and, consequently, a minister might allow an irregular election to go on for a great number of years, and yet bring a prosecution upon that very account against the first officer or magistrate that should prove refractory to his commands at an election. In like manner, a minister might allow an officer to be annually chosen, notwithstanding some disability or want of qualification in that officer; and yet, whenever he pleased, he might bring a prosecution against him; because such prosecution might always be brought within the time limited after his last election.

These few remarks, my lords, will shew, that the Bill, in its present form, will be very far from being effectual, even for the end it is said to be intended for; and they will likewise, I think, shew, that it will be very difficult to draw up a Bill sufficient for putting it out of the power of a minister to gain an influence over the elections of our cities and boroughs, by threatening them with prosecutions, without taking away from the crown the power of prosecuting a corporation, or officer of a corporation, for any misuser, neglect, disability, or usurpation whatsoever; and this I am persuaded your lordships do not intend; for it would be setting up an *imperium*, or rather a great number of *imperiums in imperio*, which would certainly breed confusion. Thus your lordships must see, that this Bill is very different from any Bill I ever thought of, and that the contriving and right modelling a Bill sufficient for obviating the evil complained of, without exposing the nation to a new and more dangerous evil, is a task too difficult for us to think of accomplishing it in a committee upon this Bill. Such a Bill must be drawn up at great leisure, and with the most mature deliberation; and even after that, I should be for having it printed and dispersed, that people without doors might have an opportunity to consider it, before your lordships gave yourselves the trouble of going into a committee upon it.

And now, my lords, I shall conclude with declaring, that I shall never be ashamed, but on the contrary always ready, to alter my opinion, when I find good reasons for doing so. 'Humanum est errare;' and it is the part of a candid and honest man to acknowledge it, when he finds he has been in an error: nothing but pride can prevent his acknowledging it; and a man must have a very bad heart, if he continues to act upon an erroneous principle, after he is convinced of its being so. But, in the present case, from what I have said, I hope, it will appear, that without being suspected of having altered my opinion, or of acting contrary to my opinion, I may freely give my negative to the committing of this Bill.

The Earl of *Chesterfield*:

My lords; when from a more ma-

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ture deliberation, or a more strict enquiry, I find good cause for altering an opinion I have formerly embraced, or rejecting a maxim I have formerly approved, I shall always be ready to do it; but, I hope, no alteration in my own circumstances will ever alter my way of thinking with regard to the public, and, I hope, no temptation, nor any apprehension, will ever prevent my speaking what I think, when my duty makes it necessary for me to do so. Slavery I have always thought the greatest misfortune that can befal a human creature, and therefore to be guarded against at the risk of any other misfortune whatever: I think so still; and were the power of the shackles to be put solely into my own hands, my humanity would, I hope, prevent my endeavouring to rivet them upon my fellow creatures. As I was sensible of the danger to which our constitution lies exposed, by the influence which ministers may acquire over our cities and boroughs, I thought that some such Bill as this was absolutely necessary for securing our constitution against that danger; and, I am sure, nothing I have heard in this debate can give me the least cause to alter my opinion; for most of the arguments made use of, even by noble lords who seem to be against the question, appear to me to be strong arguments for sending the Bill to a committee. The danger our constitution lies exposed to by the influence I have mentioned, and consequently the necessity of some such Bill as this, has been acknowledged by every lord who has spoke in the debate: the Bill has been acknowledged to be fundamentally right. Are not these, my lords, as strong arguments as can be made use of for our going into a committee upon it? In that committee you may alter every clause of it: you may add what clauses you will: you may leave out any one or more clauses now in the Bill, and insert others in their stead. And all this you may do with the more freedom, because the Bill takes its rise in this House, and after it has passed here, must go through all the forms of the other House, where it will probably meet with some amendments, and will consequently come again under your lordships' consideration, before it can be passed into a law.

Is it not from hence evident, my lords, that if there be now any real objections as to the form of the Bill, they may be removed by sending it to a committee? If the Bill be in its present form imperfect, its defects may there be supplied: if any of the clauses be improper, they may there be altered, amended, or left out: if any dangers or inconveniences be apprehended, they may there, by proper clauses, be guarded against. The foundation has been acknowledged to be good: the necessity of erecting something upon that foundation has been allowed: if what is now erected does not please, are not your lordships, in duty to your country, bound to try, at least, if you can amend it in a committee?

I shall not say, my lords, that we have now any minister who is resolved to fix the chains of slavery upon his country. I shall not say, that any of your lordships have such a design, or that any of you would be subservient to a minister in the prosecution of such a design. But suppose I were a minister, and suppose I had such a design: suppose I were resolved to overturn the liberties of my country, by getting into my hands the absolute direction of all or most of our cities and boroughs, with regard to their election, would not I oppose such a Bill as this? I certainly would; but bad politician as I am, I would not be so very weak as to oppose it directly. I would ingenuously acknowledge the danger: I would acknowledge the necessity of doing something to prevent it: I would mourn over the dangerous state of public liberty; but then I would take great care to raise as many objections as I could to every regulation proposed for its defence: I would exaggerate every difficulty and inconvenience we might be exposed to by such a regulation; and if no real dangers of this kind could be suggested, imaginary ones should supply their place. This, my lords, has always been, and will always be the method taken by those who have designs against our liberties, in order to obstruct such regulations as might defeat their designs; and though none of your lordships have, I hope, any such designs, yet, from the conduct of some lords upon this occasion, I am afraid, lest the public should begin to entertain some unjust suspicions against his majesty's government.

It has been suggested, my lords, as the chief objection to this Bill, that if we make the term for the limitation of prosecutions too long, the Bill will be of no use, and if we make it too short, it may be attended with very dangerous consequences; but why too long or too short? Is there no medium? Surely there is; and that

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medium, I hope, we shall hit on in the committee, where alone it can come under our consideration. But suppose we should miss of this medium in the committee: suppose future experience should convince us, that we had made the term either too long or too short; may not that mistake be rectified by a new Bill, as soon as it is discovered, and before it can produce any very bad effects? As to the term being made too short, some lords may terrify themselves with the dangerous consequences that may from thence ensue; but for my part, I am under no such dread. Whether it be from my want of foresight, or from my not having a gloomy imagination, I do not know; but I cannot suggest to myself any very dangerous consequence from our making the term for limiting prosecutions too short. The usurpations with which the noble lord who spoke last endeavoured to frighten us, can never be established by this Bill, or by any consequence that can arise from it. An unqualified magistrate may be chosen, or a magistrate may be irregularly chosen, and by the lapse of the term to be prescribed by this Bill, may be confirmed and established in his magistracy; but this does not confirm or establish him in any oppressive power he may usurp. If in the exercise of such a power he should oppress, we may depend on it, that a prosecution would be very soon brought against him by those that found themselves oppressed: but suppose it should not, this Bill does not say, that an unlawful or oppressive act of a magistrate or officer is not to be questioned or avoided; it only says, that the acts of an officer irregularly chosen or admitted, shall not be questioned or avoided, unless prosecuted within such a time; so that no usurpation, nor any act done in consequence of an usurped power, (I mean such a power as would not have belonged to him, supposing he had been regularly chosen) can by this Bill be established, nor is the time for prosecuting such acts of oppression to be limited.

If the noble lord will consider this Bill with a little more attention, he will find it to be just such a Bill as he wishes for, according to his own description. It is calculated merely for preventing corporations from suffering by the neglect or non-observance of insignificant formalities or ceremonies, and not for preventing, or limiting the time for their being prosecuted for great crimes or dangerous misusers of their charter; because for such transgressions a prosecution may, notwithstanding any thing contained in this Bill, be still brought at any time against the corporation itself, and a forfeiture of their charter may, perhaps, be the consequence; but the latitude still to be allowed in this case, is very far from making the Bill useless; because it very seldom happens that a corporation is guilty of any such crime or misuser; and, consequently, a latitude in this respect can furnish a minister with no great influence over our cities or boroughs. If it did, I should be for limiting the time for these prosecutions as well as the other, without any regard to the consequences such a limitation might be attended with; because, I am convinced, no real danger or inconvenience could from thence ensue.

The prosecutions that are to be limited by this Bill, are those in which a forfeiture of the charter is no part, but a consequence of the judgment. When a magistrate or officer has been irregularly chosen or admitted: when some insignificant formality prescribed by the charter has not been duly observed, or when the words of the charter have been mistaken, though that mistake may have been continued and repeated for many years; yet as the law now stands, a minister may, whenever he will, cause a Quo Warranto, or an information in the nature of a Quo Warranto, to be brought against that magistrate, or those magistrates, and by the judgment of the court, after their having been put to a great trouble and expence, they may probably be not only ousted from their office, but subjected to a fine or penalty. The forfeiture of the corporation's charter is no part of the judgment, but it is a consequence; for the corporation cannot then proceed to a new election of magistrates in the terms, or upon the authority of their old charter, and must therefore have a new one, which the crown may, if it pleases, refuse to grant. Such prosecutions as these the magistrates and officers of our corporations often become liable to, and it is with respect to these only that some sort of provision is to be made by this Bill. If such prosecutions as these had been entirely abolished, I do not think it could have been attended with any bad consequences to the public; but I now see it would have been violently opposed. This the noble lord who brought in the Bill foresaw, and therefore he drew it up in such modest terms, that I am surprised to see it meet

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with opposition, especially from those lords who, at the same time, declare their being for guarding our cities and boroughs against the danger of suffering by the neglect of insignificant formalities or ceremonies.

As to the difference observed by the noble lord who spoke last, between magistrates or officers for life, and those that are chosen annually, I shall grant, that it ought to be attended to, and provided for by some different regulation in the Bill, as to the time in which the prosecution is to be brought; but nothing is more easy than to do this in the committee; and, indeed, it is there only we can properly take this difference into our consideration. For this reason, I shall not now propose any time for prosecuting either the one or the other; but different times ought certainly to be limited: we may admit of a pretty long time for prosecuting those officers that are chosen or admitted for life, whereas the time for prosecuting magistrates or officers chosen annually, ought, in my opinion, to be confined to a very few weeks after their election; and when we come into the committee, we may, I think, very easily contrive and add a clause for preventing the corporation's being, by the judgment, brought under the necessity of having a new charter, or any new authority from the crown, for supplying the place of the magistrate so ousted from his office; and we may add a few words for preventing such a magistrate's being made liable to any fine, when the irregularity appears to proceed from a mere neglect or mistake in the manner of his election or admission.

This, my lords, would prevent any corporation, or officer of a corporation being exposed to suffer greatly by a neglect, or non-observance of some of the formalities or ceremonies prescribed by its charter; and as very few of our corporations become liable to prosecutions upon any other account, this would be sufficient for putting an end to that ministerial influence over our cities and boroughs, which we have at present so much reason to dread the consequences of. It is therefore evident, that in the committee we may, with great ease, make this such a Bill as will answer the end proposed; and consequently, if this Bill be rejected, without so much as trying what we can do in a committee, it will be concluded by the people without doors, that a majority of this House is against passing any Bill for securing our constitution against that danger, which a late famous Report has made manifest to the whole nation, and which has been acknowledged by every lord that has spoke in this debate.

A noble lord was pleased to call our corporations the creatures of the crown. Too many of them, my lords, are so: I am for making them less so, and am, therefore, for having this Bill passed into a law; for whatever bad consequences it may be attended with, I am sure, they cannot be so bad as the consequences of our neglecting or delaying to make any regulation for guarding against, or removing the danger to which we are at present exposed. Many of our boroughs are now so much the creatures of the crown, that they are generally called court boroughs; and very properly they are called so; for our ministers, for the time being, have always the nomination of their representatives, and make such an arbitrary use of it, that they often order them to chuse gentlemen they never saw, nor heard of perhaps, till they saw his name on the minister's order for chusing him as their representative. This order they always punctually obey, and would, I believe, obey it, were the person named in it the minister's footman, then actually wearing his livery; for they have, we know, chosen men who had but lately thrown the livery off their backs, but never could throw it off their minds.

It has been said, my lords, that no attempts have been lately made upon the freedom of our corporations: it is true, no such violent attempts have been lately made as were made in former reigns; but even lately, and but very lately too, the freedom of our corporations has been nibbled at, and that nibbling has been made so manifest by the Report I have mentioned, that I am surprised to hear the contrary asserted by any lord in this House. I must suppose that such lords have never read that Report, and must therefore recommend it to their serious perusal; for they will there see, not only that corporations have been prosecuted at the expence of the crown, for the neglect of insignificant formalities, but that the cause of the prosecution being brought, was expressly their refusing to chuse such representatives as the minister directed.

Was not this an attempt against the freedom of our corporations? My lords, it was an attempt not only against the freedom of that corporation, but against

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the freedom of all our corporations; because the magistrates of every corporation in the kingdom will, from thence, see the consequence of their being disobedient to the commands of a minister; and this example must necessarily have a most fatal effect, if we do not, by some new law, remove or lessen the dread of being exposed to the same consequence. But suppose we had no such manifest proof: suppose no such terrifying example had lately been made, from the very nature of the thing we must be convinced, that such attempts may be made. They have been made by all ministers in time past: they will be made by all ministers in time to come. It is natural for a minister to wish to have his friend chosen to represent any city or borough, rather than one he suspects to be his enemy: it is natural for him to make use of every method he can safely practise in favour of his friend's election: whilst a corporation, or the magistrates of a corporation, are under apprehensions of being prosecuted, it is natural for them to be swayed by those apprehensions; and as a minister may, by his under agents, safely work upon their apprehensions, we may expect, nay, we may be assured, he will do so in favour of his friend. There is no way of preventing this practice but by freeing our corporations from every such apprehension; and as this will, in a great measure, be the effect of the Bill now before us, after it has been properly amended in the committee, I hope, your lordships will agree to the question.

The Earl of *Ilay*:

My lords; whether or no the Bill now before us be fundamentally right, seems to me to be a question of very little importance in the present debate. The Bill may be fundamentally right, and yet the superstructure may be such a one as ought not to be supported, and such a one as cannot be amended, without first erasing it to the very foundation. After a Bill is read the second time in this House, we are then to consider whether it be such a Bill as, with the amendments usually made in a committee, may be proper to be passed into a law: if it appears to be such a Bill as cannot be fully amended in the committee, without altering its nature, and making it in a great measure a new Bill; we ought not to send it to a committee, because every Bill, by our forms of proceeding, ought to be twice read and considered in the House before its being committed, which, I am sure, can never be said of a Bill so moulded in the committee as to make it quite a new Bill. If what has been said by the noble lord who spoke last should be admitted, no Bill could ever be thrown out upon the second reading; for if we were to allow ourselves the liberty of altering, amending, and adding whatever we pleased in the committee, what pretence could we have for throwing out any Bill upon the second reading? We could then have no reason for throwing it out, but that which ought to have made us throw it out upon the first reading; I mean, that of its being unworthy of the least countenance from this House.

For this reason, my lords, if I understand any thing of the forms of this House, it has always been a rule not to commit any Bill, if upon the second reading it appears, that such alterations and additions must be made as will entirely alter the nature of the Bill; and our strict observance of this rule, is, in my opinion, absolutely necessary, not only to prevent our being ourselves surprised into any dangerous or hurtful regulation, but also to prevent any surprise upon people without doors. When a Bill is regularly brought into this House, and read a first time, the people without doors hear of it, and if any one thinks himself concerned, he gets a copy of it. Upon perusal, if he thinks he may be injured by any clause in the Bill, he petitions to be heard against it, and your lordships generally order the petitioners to be heard upon the second reading; but if new clauses should be added in the committee, and such as have little or no relation to the Bill, I should be glad to know how any person without doors could have an opportunity of petitioning, or of shewing that such clauses would be very injurious to him, without being any way beneficial to the public. Nay, many of your lordships might be surprised, and might see clauses passed into a law, which you had never heard of till they appeared in print; consequently this method of proceeding would be of more dangerous consequence to our liberties, which have been made such a handle of in this debate, than any thing that can ensue from our not passing this Bill.

The proper question now before us, is not, therefore, whether any such Bill as this be necessary, or whether the Bill now before us be fundamentally right, but

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whether we can amend or alter it in the committee, so as to make it a Bill fit for being passed into a law, without breaking through a rule in our method of proceeding, which has been most constantly observed, and which, I think, we ought never to depart from, unless it be in a case of immediate and great danger, which is far from being the case with regard to this Bill. This, my lords, is the proper question now before us, and this question must, in my opinion, be answered in the negative, even by the noble lord who spoke last; for the clauses he has proposed to be added in the committee, and which must be added, if it be intended to make the Bill sufficient for preventing the danger suggested, are such as would entirely alter the nature of the Bill, and consequently such as cannot be added in the committee, consistently with the rule I have mentioned.

I hope your lordships will consider, that as the gentlemen of the other House are more particularly the guardians of the liberties of the people, so your lordships are more particularly the guardians of the prerogatives of the crown; and as this Bill is certainly an abridgment of the prerogatives of the crown, it would have been more proper to have had it take its rise in the other House. However, since it has been brought in here, I hope, you will give the crown all the indulgence which a private man ought to have, with regard to any Bill, he thinks, may affect any property or privilege he is possessed of. The crown is not, I know, to appear by petition or message against any Bill depending in this House, because the king may refuse his assent, and thereby prevent the Bill being passed into a law, but when those who have the honour to serve the crown find a Bill brought into this House, which they think the king ought not to give his assent to, it is certainly their duty to oppose the Bill in its progress, and to endeavour to have it rejected by the House, in order to prevent their sovereign's being subjected to the invidious task of refusing it the royal assent. This is their duty, and therefore, in justice to the crown, or to those who serve the crown, we ought to give them as much time as a private man ought to have, to consider how the crown may be affected by the Bill.

Would this, my lords, be the case, if we were to add such clauses in the committee as have been hinted in this debate? The Bill, even according to its present plan, will very much abridge the prerogatives of the crown. That abridgment the crown may be advised to consent to, for the sake of quieting those jealousies that have been industriously raised among the people; but if you are to abridge those prerogatives a great deal further, which seems to be intended by some lords who have spoke in this debate, it ought certainly to be done by a new Bill, that the crown may have at least the usual time to consider, whether it be proper to consent to that further abridgment. Therefore, if it be necessary to add any new clauses, or to make any amendments, by which the power of the crown is to be further limited than was at first proposed, you cannot in justice do it in the committee: the only proper method you can take, is to drop this Bill, in order that a new Bill may be drawn up, and brought in, either this session or the beginning of the next; and when I see such a Bill, I shall then consider, whether I ought to agree to it or no.

But, my lords, as the necessity of our having some such Bill passed into a law, has been very much urged in this debate; as this necessity has been said to have been acknowledged by every lord who has spoke in the debate, I must take this opportunity to declare, that I am very far from being convinced of our being under any such necessity. I do not think, the crown has as yet such an influence over our cities and boroughs as can be of any dangerous consequence to our constitution, nor do I think that a minister can with any safety endeavour to acquire such an influence. A minister may have a personal or a family interest in two or three boroughs: he cannot by himself alone represent them all; and to the borough where he does not stand himself, it is very natural for him to recommend a friend. That friend may, perhaps, be a gentleman never before known in the borough; but this is not peculiar to ministers, for we often find such gentlemen chosen by boroughs upon the recommendation of those who are known to be violent enemies to the minister. I therefore do not well know what is meant by court boroughs. All boroughs are so, I believe, and all cities and counties as well as boroughs: the only difference is, that some boroughs have their friends in court, and others want to have their friends in court. This, my lords, has always been the chief ground

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of the dispute; and most people are apt to think, or at least they pretend to say, the country is in danger, when their friends happen to be out of court. The cry of the Church being in danger was formerly made the same use of; and when I was young and attended this House behind the throne, I remember to have heard it observed, as I thought very justly, by the ancestor of a noble lord I have in my eye, that the only reason he could think of for saying that the church was in danger, was because the earl of Rochester was out of court.

If a borough, therefore, chuses a courtier, it is not because it is more a court borough than any other borough, but because its friends happen at that time to be in court; in like manner, when a borough chuses such as are against the court, it is not because it is more a country borough than any other, but because its friends happen then to be out of court; and the choice made by the former may as little proceed from any undue influence as the choice made by the latter. But every borough that chuses a courtier or a friend to the minister, must, it seems, be a creature of the crown, in the sense put upon the words by the noble lord who spoke last, in which I must say, he made a very bad use, to call it by no worse a name, of an expression that had dropt from a noble lord in this debate. The noble lord happened to say, that all corporations were the creatures of the crown, and when he made use of the expression, I believe, every one of your lordships understood what he meant: he certainly meant no more than that all corporations were created by the crown, which is true; but the noble lord who spoke last gave it a turn, as if he had meant, that all corporations are the slaves of the crown, and ready to receive directions from the ministers of the crown, which is as far from being true as it is far from being what he meant; for, with regard to the election of their representatives, I know of no way by which a minister can compel any one of them to chuse the candidates he recommends: I am sure, that of threatening a borough with a Quo Warranto would be very far from being effectual, and it would be very dangerous for any minister to make use of such a method; consequently I cannot as yet see the necessity of our passing any such Bill as the present, and if I did, I should be for dropping this Bill, which, I think, cannot be so amended as to be of any use, in order to have a Bill brought in that might be of some service.

But whatever some noble lords may say about providing for the security of our constitution against every possible danger, it has never been the custom in this country to introduce new regulations, or to make alterations in that form of government under which our ancestors lived happily, and transmitted their liberties safe to us: I say it has never been the custom to introduce new regulations, or to make alterations, but when some evil has been really felt, or some attack actually made; and, I hope, this custom will be always observed; for if we should give a loose to our imagination, and resolve to provide against every evil, and every attack, which might be suggested by a fruitful but gloomy imagination, we could never be a moment at ease, nor a session without making some material alteration in our form of government. What the noble lord meant by nibbling at the freedom of our corporations, I do not know; but it does not appear to me, that any real attack has been lately made upon their freedom by our ministers. When the members of a corporation fall out among themselves, as they often do about their elections, the unsuccessful candidates will, very probably, bring informations in the nature of a Quo Warranto against the magistrates chosen, if they think there is any flaw in their election or admission; and if these informers employ any of the crown lawyers, a minister cannot help it; for he cannot prevent those lawyers undertaking the business of private men in cases where the crown has no concern. This cannot therefore be construed as an attack upon the freedom of our corporations, and this is all that has been pretended to be proved; for there is not the least proof, that ever any minister gave orders for the prosecution, or supported it either at his own or the public expence, and much less that he did so, in order to punish any corporation for refusing to obey his orders, with regard to the election of its representatives in parliament. I cannot therefore suppose, that any attack has been lately made upon the freedom of our corporations; and if any lord thinks there has, why does not he move for a day to enquire into it, in order to have the guilty punished, which would be as effectual against the practice in time to come as any law you can make?

Then the question being put, that the

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said Bill be committed; it was resolved in the negative: Contents 24; Not Contents 63. And it was ordered to be rejected. It was also ordered, That the lords present this day be appointed a Committee to consider of proper Heads for a Bill for the further quieting and establishing Corporations.

March 17. Lord Romney reported from the lords committees appointed to consider of Heads for a Bill for the further quieting and establishing Corporations, that the committee have met, and considered the matter to them referred; and have prepared Heads for a Bill, as follow:

"That reasonable periods of time be limited; after the expiration whereof, the rights, franchises, and liberties, of any city, corporation, borough, cinque port, or place, within that part of Great Britain called England, Wales, and Berwick upon Tweed, or the office or franchises of any members of any such city, corporation, borough, cinque port, or place, or of any person or persons possessed of or exercising any such office or franchise, shall not be impeached or called in question; nor shall any of their acts be questioned, by or upon informations in nature of a Quo Warranto, writs of Mandamus, or other proceedings whatsoever, for or by reason of any informality, irregularity, or other defect, in the nomination, election, admission or swearing, of the mayor, bailiff, or other chief officer or officers, recorder, aldermen, common council men, capital burgesses, burgesses, freemen, jurats, or any of them, or of any other officer or member (by what name soever called) of any such city, corporation, borough, cinque port, or place, who now are, or at any time hereafter shall be, in the actual possession or exercise of any such office or franchise, nor for or by reason of any forfeiture or disability arising from any such informality, irregularity, or defect, unless such informality, irregularity, or defect, or such forfeiture or disability, shall be taken advantage of by some prosecution or prosecutions properly commenced for that purpose, within a certain time after the commencement of the Bill, as to any such officer or member who now is in actual possession or exercise of any such office or franchise as aforesaid; and as to any such officer or member as hereafter shall be, within a certain number of years, to be limited in the Bill, next after such officer or member shall have been admitted into, or shall have been in the actual possession or exercise of, any such office or franchise as aforesaid; every such prosecution to be carried on with effect and due diligence: and in case of affected or unnecessary delay on the part of the prosecutor, to be dismissed with full costs.

"Such Bill to contain proper provisoes, to prevent its avoiding or invalidating any judgment already given, or any charter already granted and accepted, or any suit already instituted, and still depending."

This Report being read by the Clerk, it was moved, That the judges be directed to prepare, and bring in a Bill accordingly: Hereupon

The Earl of *Cholmondeley* stood up, and said;

My lords; a Bill for the purposes which are now under our consideration, a Bill by which all corporations might be set free from the influence of terror, would be of great advantage to the kingdom; but it appears to me from the ill success of this repeated attempt, that the security proposed by it is not to be obtained, but at the expence of greater evils, and that we must transfer our attention to some other designs which may be practicable, though of less importance.—The Heads which are now offered by the committee as the foundation of a Bill, differ, I think, in nothing, or nothing of importance, from that Bill, which was a few days ago rejected; and therefore it will be, in my opinion, of no use to form them into another Bill, which as it can differ only in words from the former, must, after it is drawn up, be rejected in the same manner.

Lord *Talbot*:

My lords; as the usefulness and even the necessity of a Bill, by which the consequences of our late determination may be obviated, by which the independence of corporations may be secured, and the peace of the nation be established, has been universally allowed, I cannot think that we shall perform our duty to our country, or consult our own honour, by suffering ourselves to be so soon discouraged from so beneficial a design.—That such a Bill, as may promote those great ends without equivalent disadvantages is difficult, may be admitted; but it does not yet appear that it is impossible. And no obstacles that can be surmounted, ought to hinder us from pursuing so important, so beneficent a purpose.—Had

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our ancestors, my lords, been discouraged by difficulties, our laws had never been advanced to such a degree of excellence, nor our constitution raised so near to perfection.—It is not to be supposed, my lords, that a Bill of this comprehensive kind can be perfect in the first draught, or that it will not require innumerable touches, amendments and provisional clauses: but though the undertaking is undoubtedly laborious, it is not unsurmountable, and therefore the public good ought to animate us against the fatigue of it. Let every lord attend to the affair with diligence and sincerity; and offer what shall occur to him, and the Bill will in time be completed.—Even the Heads now before us afford, in my opinion, materials for a Bill which, though not perfect, may yet be beneficial. For surely any thing is rather to be chosen than servitude and dependence; and what can be expected from the corporations of this kingdom, but a blind submission to the agents of ministerial corruption, when they find themselves in danger of forfeiting their privileges by inadvertency or by ignorance; when they know that snares are thrown in their way, which they cannot avoid but by taking the minister for their guide, and that they can only be safe from prosecutions within the shelter of the court.—It is at least, my lords, to the last degree ignominious to desist from a design, upon the supposition of difficulties, which perhaps may not be found; and therefore we ought at least to direct that the judges, of whose experience and sagacity so much has lately been said, should prepare a Bill which it will be only proper to reject, when we find that it cannot be amended.

The question being put thereupon, it was resolved in the Negative. Content 23. Not Content 34.

The King's Speech at the Close of the Session.] April 21. The King came to the House of Lords, and put an end to the session, with the following Speech:

"My Lords and Gentlemen,

"The zeal, prudence, and dispatch, with which you have carried on the public business, during the course of this session, give me the greatest satisfaction.

"That this nation, and the common cause, may reap the most beneficial fruits of your vigorous resolutions, I have, at the requisition of the queen of Hungary, ordered my army, in conjunction with the Austrian troops, to pass the Rhine, as auxiliaries to her Hungarian majesty, and for her support and assistance, and to oppose any dangerous measures, that might affect the balance and liberties of Europe, or hinder the re-establishment of the public tranquillity, upon just and solid foundations. I have continued a strong squadron in the Mediterranean, and another in the West-Indies, in order to carry on the great work of distressing our enemies, the Spaniards, and reducing them to safe and honourable terms of peace, as well as of maintaining the rights of navigation and commerce, belonging to my subjects: and from the former of these squadrons, my allies in Italy have found, and still continue to receive, a most useful and advantageous support.

"Gentlemen of the House of Commons,

"I return you my thanks for the ample supplies, which you have granted for the service of the current year, and which you may be assured, shall be applied to those great ends, for which they were given.

"My Lords and Gentlemen,

"I have a firm confidence in your good affections; and it is the fixed purpose of my heart, to promote the true interest, and happiness, of my kingdoms. In return for this, I expect, on your part, that you will exert your best endeavours, in your respective stations, to render my government easy, and to preserve the peace and quiet of the nation."

Then the Lord Chancellor, by his Majesty's command, prorogued the parliament to the 7th of June.

THIRD SESSION OF THE NINTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] December 1, 1743. The King opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen,

"Since your last meeting, I have, pursuant to your advice, and in consequence of your support, exerted my endeavours for the preservation of the House of Austria, and the maintenance of the balance and liberties of Europe. It has pleased God to give success to our arms, in conjunction with those of the queen of Hungary, and as her auxiliaries. The domi-

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nions of that princess have been entirely evacuated by her enemies; and the powerful armies, which had marched to their assistance, have been obliged to retire out of the empire. In this conjuncture, it is a great satisfaction to me, to acquaint you, that I have been joined by a body of troops of my good friends and allies the States General.

"In further prosecution of these measures, the definitive treaty between me, the queen of Hungary, and the king of Sardinia, has been happily concluded, which shall be laid before you. The advantages which cannot fail to result from this alliance, to the common cause, are apparent; and it will be particularly conducive to the interests of my kingdoms, by disappointing the ambitious views of the crown of Spain, with which we are engaged in so just and necessary a war. As I make no doubt but you will proceed upon these foundations with firmness and constancy, we may reasonably hope to see the public tranquillity re-established, and a general and honourable peace obtained. These are my views, to which my utmost attention and resolution shall not be wanting. But, in order to bring about these great ends, measures of vigour are necessary; and to enable me to concert and carry on such measures, I do, with a just confidence, rely on your zealous, cheerful, and effectual support.

"The marriage of my youngest daughter with the Prince Royal of Denmark, cannot but give satisfaction to all my good subjects, as it tends to cement and strengthen the Protestant interest in Europe.

"Gentlemen of the House of Commons,

"I have ordered the estimates to be laid before you, for the service of the ensuing year; and desire you to grant me such supplies as shall be requisite for the honour and security of the nation, and adequate to the exigencies of the public.

"In doing this, let me particularly recommend it to you, to enable me to concert proper measures, and to enter into, and make good such alliances and engagements with other powers, as may be necessary for the support of the queen of Hungary, and restoring the balance of power.

"My Lords and Gentlemen,

"I have had such experience of your duty and affection to me, and of your zeal for the good of your country, that it would be superfluous to add any thing to press these important considerations upon you. Union and harmony amongst ourselves, and vigour and dispatch in your proceedings, are indispensably necessary in such conjunctures. Let nothing obstruct, or divert your steadiness and application to the great ends which I have laid before you; and be assured that nothing can ever divert me from pursuing your true and lasting interest."

*Debate in the Lords on the Address of Thanks.**] His Majesty having left the House,

Lord *Berkley* rose and said:†

My lords; the present state of Europe is well known not only to your

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* From the Gentleman's Magazine.

† The following account of the same Debate is communicated, for this Work, from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE, eldest son of Lord Chancellor HARDWICKE.——*See Preface to this Volume.*

The Session began on Thursday, the 1st of December, with the usual formalities. The King's Speech was a composition of the Chancellor's, and allowed to be drawn with judgment and propriety; as was likewise the Lords' Address. In the House of Lords there was no division. Lord Berkeley moved the Address, which was seconded by lord Holdernesse. The former puzzled himself with his notes, and seemed in some confusion. Lord Chesterfield harangued against it in his usual manner; and if my information was right, on the same topics with Mr. Pitt, he insinuated rather than spoke out upon the jealousies relating to Hanover, and used a peculiar expression, that he talked then to their discernment and not to their ears, but urged the necessity of a particular enquiry of every step that had been taken: "When your lordships go into it you must have all manner of lights, and the Green Bag itself upon your table." He distinguished between the King's behaviour and his conduct: the former was his own, intrepid and full of dignity; the latter his minister's, which deserved not approbation. In speaking of the Dutch, he said, he hoped for no more September Conjunctions.

Lord Carteret's reply was by all accounts an able performance. He spoke with great confidence and spirit, and was reckoned to get the better of lord Ches-

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lordships, whose high station necessarily affords you an extensive prospect, but to every man, however private, however negligent, who enters any place of public resort, or peruses the common papers of intelligence, therefore it cannot be of much use to expatiate upon the dangers with which we are threatened, or those which we have escaped, nor shall I dwell longer upon them than to show the propriety of the motion which I shall make to your lordships.

It is apparent, my lords, that the House of Bourbon, whose insolence had been repressed, and whose strength had been broken by a long war, has by peace recovered her vigour, and that as her vigour returned, her ambition has revived. Many years have been spent in collecting armies and accumulating treasures; armies designed only to invade and ravage the neighbouring countries, and treasures which were to be employed in bribing those who could not be intimidated; and by which parliaments were to be corrupted and ministers seduced. The peaceful arts of commerce were encouraged only that they might furnish the means of oppression, and during the long interval of tranquillity, every hour has been industriously spent in contriving methods or instruments of destruction, in preparing gold to poison, or swords to slaughter.

At length the time arrived when she thought herself sufficiently powerful to attempt once more the acquisition which she has so long endeavoured, and she again revived the dreadful design of universal monarchy: she first employed her promises and her gold to kindle discord among the remoter powers, that they might neither have strength nor leisure to assist those that were immediately exposed to her attacks, that the embarrassment of their own affairs might hinder them from regarding her conduct, and the necessity of fighting for their own dominions, detain those troops which might otherwise have been employed in opposing her conquests.

These, my lords, were the preparatory measures which her subtilty suggested for the prevention of a general confederacy against her, which common danger, and the universal conviction of mankind might naturally have formed: this discord and confusion which her artifices produced, was the first cloud that gathered over the continent; the token of the tempest of war which was soon after to burst upon it, and from which every man versed in the art of political prognostication, predicted ravages and ruin, slaughter and devastation.

This prediction, my lords, was very soon accomplished; for no sooner did the death of the emperor furnish the enemies of mankind with an opportunity of extending their influence over that people, which had been hitherto the constant opponents of their schemes, than they placed upon the imperial throne, a prince whose dominions are so situated that he is naturally placed in a state of subjection to them, whose power is so small that he can only support his dignity by their assistance, and whose long correspondence with them must incline him to promote their schemes, and advance their interest, since it has already deprived him of the confidence and esteem of all other powers. They knew that an emperor raised by the interest of France must be supported by the same power that exalted him, and that all the violences which they should commit in influencing the election, would contribute to confirm the alliance, since

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terfield. He said he should be the first man for his own sake to press a minute enquiry, and did not doubt to approve himself to their lordships' discernment, as well as ears; and that shame only would be the result of it to those who had raised the national discontent: He urged the necessity of following the example of France in arming powerfully, not to engage in a war of acquisition, but to get an honourable peace, that by the opposition we had already given to the ambitious schemes of France, she was reduced to great distress; her manufactures ruined for want of hands, and withdrawing their bounty-money; whereas ours had never a better vent; that the king's behaviour and conduct were alike his own, the one intrepid, the other judicious.

Lord Chesterfield had sneered at the Speech as the joint work of an united, concordant, administration; to which he replied, there was a difference between disagreement and disunion, all were unanimous in pursuing the same ends, some variety of opinion was naturally to be expected, and even to be wished for in council, since truth was always best discovered by comparison and disquisition. These two were the only speakers in the debate.

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he must more implicitly depend upon them, in proportion as he was conscious of having injured or offended the princes of the empire.—With what violence this attempt was made, how easily it succeeded, and what was the event of success thus easily obtained, how the French were incited to designs yet more destructive, and how far they proceeded before they were checked, has been often explained in this House, and is too well known to require any recapitulation.

It is however necessary to observe, that the first interruption of the rapidity of their success is to be ascribed to the counsels of the king of England, and to the assistance granted by the British parliament, and we have now the satisfaction, my lords, of observing that his majesty still continues to prosecute his design of delivering mankind from slavery with the same steadiness and wisdom, and as a consequence of steadiness and wisdom, with the same felicity.

We have been informed, my lords, that the ravagers of the continent have at length retired to their own frontiers, that they are reduced from conquest to defence, and that instead of ravaging the countries of their neighbours, they are now content to preserve their own.

But, my lords, the temper of this hateful nation must be very little known by those who can hope that this inactivity will long continue, or that this appearance of moderation and pacific disposition has any other intentions than to lull their enemies in security, that they may find some more favourable opportunity of oppressing them.

Such for more than a century has been the conduct of France; she has ravaged and invaded all the countries round her by sudden violence, and unexpected incursions, and when armies have been raised against her, when opposition has been prepared, and her neighbours have been roused from their sloth and their security, she has recalled her forces, and proposed terms of peace, which she intended only to observe till her enemies had returned to their commerce, or were divided again by those disputes which general terror had set aside for a time; till those armies which stopped her progress were disbanded or employed against other enemies in other quarrels.

Then she again found some pretences for a new invasion, and again enlarged her frontiers, before troops could be formed or confederacies concerted, and again, when she found her conquests in danger, offered an accommodation.

This, my lords, has been hitherto the method by which she has oppressed all the powers of the continent; but it may reasonably be hoped, that experience will at last teach us, that her professions are not to be trusted, and that we can only be preserved from her attempts by disabling her from continuing them: we ought at last to know that the true use of success is not to obtain a peace upon equal terms, or barely to preserve ourselves or our allies, but to pursue the advantages which we have gained, to strengthen our confederacies with new alliances, and to add one victory to another, till we shall have no longer any thing to dread from the ambition of the French, till their designs shall languish for want of strength, and till they shall no longer find it their interest to make war upon others, and shall have no other view than to avert it from themselves.

This, my lords, appears to me the design to which his majesty requires our concurrence, and which he has revealed to us as far as the inevitable fluctuation of human affairs, and the uncertainty of the events of war could suffer him to communicate it. This scheme cannot be denied to be just and reasonable, nor can we ever hope for a time in which it may be more likely to be executed, or even a time, if we suffer this opportunity to be lost, in which it can be again attempted. This, my lords, is, in my opinion, the happy hour in which the power of the oppressors of mankind may be for ever broken, in which universal liberty may be recovered, and peace established in Europe, which it may never be the interest of any nation to interrupt or violate. The balance of power may be now regulated, and placed for ever in the hands of the princes who shall sit upon the throne of this nation.

But this blessing, my lords, can only be hoped from vigour and resolution, from those measures which his majesty has with so much wisdom recommended to us. If we suffer France to recover from her panic, if we give her time to recruit her forces, and accumulate new treasures, we shall at best have the great work to begin anew, and shall receive no advantage from the thousands that have perished in Germany, and the immense sums that have been squandered in all the courts of Europe, to promote a project which has at length miscarried.

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We can never, my lords, hope to engage the French at a time when they are more exhausted, and therefore every argument that can be now urged against vigour and perseverance, will be stronger on any future occasion, and they who tell us that we cannot now stand against France, tell us that we are no longer free, and that we can no longer continue a nation than while it shall please our haughty and irresistible neighbours to indulge us with existence.

For my part, my lords, I am afraid that if we suffer our divisions, our fears, or our immediate regard to petty interest, to deprive us of this opportunity of asserting the rights of human nature, our condition will in a few years be such as has been described: it is not impossible that the commerce and maritime power of France, may in a short time be so much advanced that her fleets may cover the ocean, and confine us in our own ports; it is not impossible but that her gold and her arms may soon make Holland part of her dominions, and that whatever is opposite to our coasts may be part of France.

I need not say how easily, when she has thus engrossed the trade, and consequently the riches of the world, she may maintain armies and equip fleets, how easily her troops may add every year new provinces to her dominions, till her empire shall only be limited by her own policy, and her navies seize all those parts of America of which the possession can either increase her riches or gratify her ambition; nor need I mention what must be the condition of those nations who, in this universal slavery, shall presume to differ from their masters in religious questions, nor what torments, what fury, will be employed to put an end to controversy, and produce a conformity of opinions among all those that acknowledge the same sovereign.

These, my lords, are my fears; but the hope of preventing those dreadful calamities arises from the reflection, that these fears and those dangers are not peculiar to any private man or any single nation. All the powers of Europe appear now to be awakened by their danger, and the king of Sardinia has already discovered his resolution to assert his independency, and shown his opinion of the designs of the House of Bourbon, by entering into an alliance with us for our common safety; nor can it be doubted that his example will soon be imitated by other princes, if we shall show by our vigour, that we intend not to satisfy ourselves with the sound of an alliance, or the empty appearance of hostilities, and give reason by our success to believe that our vigour will not be ineffectual, or our efforts be exerted in vain.

The power of France, my lords, like that of all other tyranny, must quickly fall, if any one can be found that has resolution to shake it, and stands only because no one has ventured to give the first assault, lest he should be condemned to stand alone in an attempt in which others are equally interested, and be suffered to fall without assistance, for having endeavoured to preserve those that would rather perish than struggle.

It cannot be doubted, my lords, but all those who, for the sake of a reprieve from destruction, flatter the ambition or assist the schemes of France, wish the destruction of that power to which they feel themselves enslaved, by which they know that they are only spared for some present conveniences, and by which they hourly expect to be reduced to the most abject and despicable dependence. If Great Britain shall therefore erect her standard on the continent, and sound once more the trumpet of liberty, all the nations will assemble at her call, and unite their arms for their common preservation. All those who have been insulted by the pride, or injured by the outrages, or endangered by the approaches of France, will snatch the opportunity of ranging themselves under the banners of Great Britain; of Great Britain, the protectress of right, and the patroness of human nature. They will gladly follow those troops to the battle, whose success will only consolidate peace and establish justice, and who have no other intentions in the utmost heat of hostility than to promote the general happiness of mankind, and whose measures have a manifest tendency to secure the peace, even of those whom they oppose, by taking from their governors the power of harrassing them with romantic expeditions and ambitious schemes.

Since therefore the measures which his majesty has been pleased to recommend are so reasonable and just, and the success of them so probable, it is, in my opinion, necessary to express our approbation of them in terms of the utmost loyalty and affection, in terms that may take from our enemies all hopes of prevailing by our divisions, and shew that we are not insensible of the blessings which the justice and magnanimity of our monarch bestow upon

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us, nor ungrateful to him for the fatigues which he has undergone, or the dangers to which he has been exposed in the sacred cause of liberty; fatigues and dangers to which his zeal for the welfare of mankind has incited him to expose himself in common with the meanest soldier. I move therefore, "That an humble Address be presented to his majesty, to return him the Thanks of this House for his most gracious Speech from the throne, and to express our joy on his safe and happy return into this kingdom.

"To declare our thankfulness to Almighty God for preserving his majesty's sacred person, and to congratulate his majesty on the success of his arms, in the support of the queen of Hungary, and of the liberties of Europe.

"To thank his majesty for communicating to us, that the definitive Treaty has been concluded between his majesty, the queen of Hungary, and the king of Sardinia, whose strict union is so necessary in this conjuncture especially, to disappoint the ambitious views of the court of Spain.

"To declare our firm resolution to support his majesty, in his wise and salutary views, to bring about a general and honourable peace, by vigorous measures; and to assure him of the zealous concurrence of this House, in the necessary means to this great and desirable end.

"To congratulate his majesty on the auspicious marriage of his youngest daughter with the Prince Royal of Denmark, and on the increase of his royal family by the birth of a prince.

"To give his Majesty the strongest assurances of our inviolable duty and fidelity, and of our constant endeavours, in all our proceedings, to promote union and harmony at home; and that this House will stedfastly pursue such measures, as may most effectually conduce to the honour and safety of his majesty, the security and prosperity of our country, and the maintenance of the balance and liberties of Europe."

Lord *Holderness*:

My lords; the accuracy with which the noble lord has recapitulated the chief events which have lately happened, the perspicuity with which he has represented the state of Europe, the force with which he has inculcated the destructive designs of the House of Bourbon, and the judgment with which he has shown the propriety of the measures recommended by his majesty, are sufficient to procure to the Address which he has proposed the approbation of the House, and therefore I rise up to second his motion, and doubt not but your lordships will unanimously concur with it.

The Address which has been proposed is not only the best, but the only Address that can at this time be made to his majesty. This is not a time, my lords, of leisure and speculation, in which we may debate points of form, and deliberate upon trifles, without any detriment to the public. The fate of mankind now depends upon our counsels, all the monarchs of Europe are impatient for the Address which we are now to make, and we may by a small variation of language retard or precipitate the fate of nations.

If it shall appear that we hesitate to approve the measures of his majesty, if it shall be only suspected that we look upon the present disturbance of the continent with indifference, that we either distrust our sovereign or our allies, that we prefer an inglorious tranquillity to public faith, or that we think ourselves unequal to the undertaking proposed to us of reinstating the House of Austria in its ancient dignity and grandeur, and repressing once more the insolence and ambition of the House of Bourbon, what, my lords, can be expected, but that the panic will be communicated to all the neighbouring nations, that those who fear to be deserted by us will endeavour to secure their peace, at least for a short time, by deserting us, and, by a timely submission to the masters of Europe, obtain at least a reprieve from that fate which they cannot hope to escape by their own efforts, or from which we are either not able or not willing to rescue them.

By addressing his majesty in any other expressions than those of the most ardent zeal and the firmest confidence, we shall deprive him of that influence in foreign courts which arises from the known love and fidelity of his subjects, and which has been already so successfully exerted, that he has concluded a treaty with the king of Sardinia, by which the Spaniards are excluded from Italy, and cut off from the prosecution of their attempt upon the dominions of Austria. This influence, my lords, it is in the highest degree necessary to preserve and encrease, since we have no reason to fear that it can be employed in any other cause than that of justice and liberty, and since without it there can be no possibility of providing against the sudden exi-

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gences of war, of snatching momentary opportunities of advantage, of negociating secret treaties, or of making use of any favourable accident, which the unexpected revolution of foreign interest may offer.

It is surely, my lords, at this time particularly necessary to assist his majesty not only with our fortunes but with our reputation, and to give the most public proofs of our resolution to concur with him in the great design in which he is engaged; a design which if it should be now suffered to miscarry by ill-grounded suspicions, or by cold neglect, can perhaps never hereafter be revived, and in which are involved the religion and liberties both of our neighbours, ourselves and our posterity.

The Earl of *Chesterfield:*

My lords; that the present time appears marked out for the determination of the fate of the continent, that every moment is big with events in which whole nations are involved, that the liberties of mankind must now be firmly established or irrecoverably lost, and that this therefore is the crisis at which the utmost prudence ought to be exerted by all those who are entrusted with a part in public deliberations, I shall readily allow.

I shall grant likewise what has been alleged, that we ought to allow no place in our minds for trifling considerations, that all petty suspicions, and contracted views ought to be lost in more important engagements, and that our chief, our only enquiry ought now to be, how the general happiness of mankind may be most effectually secured.

To show, my lords, that I intend to act in conformity to these principles, I shall speak not to your ears or your passions, but to your discernment, I shall not endeavour to inflame you with exaggerations or rhetoric, but to convince you by arguments, and shall be more desirous to produce such hints as may excite enquiry, than such invectives as may provoke censures.

That I may be heard, at least with patience and candour, by those lords, whom nothing can be expected to please but an absolute and unlimited approbation of public measures, I think it necessary to declare that I do not intend to oppose the motion, or to deny any of the panegyric to his majesty, or even to his ministers, which it has been proposed to offer them, nor mean any thing more than to make upon the Speech, and consequently upon the Address which is designed, such observations as have occurred to me, and to suggest some enquiries which may be properly made in the course of our deliberations.

The time will indeed soon come, nor shall it long be delayed, when I shall speak upon a subject very different; a subject upon which some warmth will easily be pardoned by every Briton who has not abjured the interest of his country, and which I know will be sufficiently unpleasing to those who think it their interest to conceal from the nation its real state, and are afraid lest it should be too plainly told to what purposes the immense expences of the last year have been squandered, and how little is to be hoped from the supplies which they now intend to demand.

At present, my lords, I have no such offensive representations to lay before you, nor intend any censures of the Speech by whomsoever drawn up, or of the Address however agreeable to ministerial principles. A great part of the Address I shall readily approve, and to the rest I shall quietly submit, when I have laid my sentiments before your lordships.

No lord shall more cheerfully or with a stronger sense of the happiness which the nation derives from the presence of its sovereign, congratulate his majesty upon his return to his regal dominions; to those dominions in which he appears with splendor and dignity equal to his merit, and which only can enable him to influence the nations of the continent, and to raise confidence by his friendships or infuse terror by his menaces.

With equal cheerfulness shall I testify my satisfaction at the marriage of the princess, as I shall always rejoice, whenever by any fortunate occurrences the interest of his majesty's royal House is advanced, which I desire to see for ever established upon this throne, as well by numerous and powerful alliances, as by the best and strongest security, the affection of the people.

But with regard to the other parts of the address proposed, I cannot deny that, in my opinion, a scrupulous mind might form some specious objections, which it might not perhaps be easy to remove, if they were urged with virulence and acrimony, and enforced with all the evidence that might be produced to confirm them, and some questions might naturally arise

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to a sceptic in politics, or to a man whose confidence in the administration was less than mine, which perhaps could not be answered by them, without some degree of perplexity, which I have no inclination to draw upon them.

It might be asked upon what success we are about to congratulate his majesty, what armies have been routed, what provinces have been conquered, and what cities have been taken? It might be enquired what prisoners are at this time in the British camp, and what number of wounded the enemy left upon the field in their precipitate flight before our magnanimous and invincible monarch? it might be demanded what ambassadors are arrived at London to sue for peace, and what kingdoms are offered us to purchase our friendship? and surely, my lords, these enquiries could not reasonably be censured, since I know not how any man can be required to rejoice without knowing why, or to offer his congratulations, when he has never heard of any happy incident or successful attempt.

But I, my lords, have long since learned to suppress all such unseasonable questions, and can easily divert my curiosity to other objects with which it may be gratified with less offence; I have learned to condole, and to congratulate, without disturbing myself with the causes of grief or joy, and to resign myself wholly to the judgment of those whose wisdom and integrity has exalted them to superior stations.

For this reason likewise I shall not oppose a panegyric on his majesty's conduct and behaviour, though a critic either in politics or in language would perhaps peevishly assert, that in mentioning them together we confound what ought to be carefully distinguished, and would maintain that his majesty's behaviour might deserve praise, while his conduct incurred censure. He might declare that conduct included all the measures which were pursued upon whatever advice, and with whatever event, and that behaviour comprised only the immediate actions or words of his majesty: he might allege that the march of an army and the general operations of the campaign were part of the king's conduct, but his personal actions in the battle, only his behaviour, and that therefore we might very justly suspend our opinion of his conduct, though the gallantry and magnanimity, and heroism of his behaviour might claim the loudest applause.

Such would be, my lords, the sentiment of a man who should examine this address by the light of reason, without any inclination either to praise or censure the administration; but I, my lords, who find myself far more inclined to encomiums than to enquiries, shall not any longer represent the sentiments of scepticism and jealousy, but shall indulge myself in more pleasing subjects, and rather express my own gratitude than the doubts of others.

And surely, my lords, we ought gratefully to acknowledge the goodness which has prompted his majesty to promise, without any importunities, that the new treaty shall be laid before us. To lay this or any other treaty before us will not indeed be very dangerous for the ministry, if they follow the examples of their predecessors, and, when they demand our approbation, exhibit only such parts as may be most safely exposed; if they submit the articles of agreement to our examination, and reserve to themselves a declaration by which they are all annulled. Such communications, my lords, we may easily obtain, but I think we may forbear our thanks or our praises without the imputation of indecency or ingratitude.

But it may be expected that the time of such low craft, and contemptible expedients, is now at an end, and that they who thus generously offer us the treaty will shake out the green bag before us, to show, that no secret articles are concealed in its bottom, and will allow us not only to examine the title but the substance of the treaty, by which we may perhaps be enabled to judge of the designs which have been formed, and know what is to be understood by these vigorous measures that have been so strongly recommended to us.

What measures may be intended by this obscure language, I shall not assume to myself the province of divining; but, my lords, it is less difficult to say what measures ought not to be intended, because of the immense variety of schemes that may be formed, only one can be best and perhaps few can be good, but many may be wrong, and out of many some must occur to the most barren imagination.

I hope, my lords, it is not intended that in the prosecution of vigorous measures, we shall rush into a war of which we can foresee no conclusion, to the expence of which we can set no limits, and from which no equivalent advantage is to be ex-

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pected. I hope we are not to squander millions, and spread the plains of the continent with the bodies of thousands of our countrymen without knowing what are our demands, and for what end we make war. I hope we are not to stand without assistance against the whole power of the family of Bourbon, nor to fight the general quarrel of the world at our own expence, and lavish our blood in defence of those who will not endeavour to support themselves.

I hope, my lords, that whatever designs are formed, we shall attempt nothing without unanimity, that we shall not expose ourselves and our posterity to the danger of being betrayed by forces who have different interests, nor march against our enemies with armies composed of troops more desirous of destroying each other than the enemy, and who will rather desert themselves than fight for those with whom they are unnaturally united. Such an army, my lords, is weaker as it is more numerous, and the addition of new troops will only produce murmurs, and multiply the causes of discontent.

I hope, my lords, that by vigorous measures are not intended such wild attempts and romantic expeditions as hazard the troops, and the honour of England, without any hope of success, or possibility of advantage. I hope we shall not quit a post of security only to rush into danger, and then boast of escaping from it, and that with whatever panegyric we may fill our address, we shall always preserve an unvariable regard to the real honour and interest of Great Britain.

The true interest of England, my lords, as the great metropolis of commerce, is to be at peace with its neighbours; for security is the parent of trade, and indeed it is for this reason that I am somewhat terrified with the formidable sound of vigorous measure. As in private life it is always thought dangerous to commence a lawsuit, because it cannot be known what expences it will require, what time it will engross, when it will be ended, or what will be its event: so when I find the governors of a nation inclined to war, I am always ready to ask them by what art they can state the costs, or ascertain the consequences, and think it my duty to warn them against such counsels as may precipitate their country into poverty, and which they cannot recall when they once begin to be executed.

When I hear a proposal for declaring war, I always figure to myself a long suspension of commerce, a decay of the public wealth, an universal anxiety spread over all the people, the merchants plundered, the owners of lands oppressed, and at least a general discontent at the conduct of those by whom the war has been advised, and a hasty and disadvantageous peace concluded perhaps in the midst of success, only to pacify the impatience of the people.

I cannot but likewise dread that, when once we have engaged in vigorous measures, when once we have heated our imagination with conquests or triumphs, we shall not know when to set limits to our expectations. I am afraid, my lords, lest we should forget that the end of war is peace, and that from defending the dominions of our allies, we shall proceed to designs of conquering those of our enemies, and persuade ourselves that the empty glitter of military glory is more than equivalent to the plenty and the tranquillity of peace, and that we may be well excused for impoverishing our merchants, if we adorn the public halls of the city with the standards and ensigns of France and of Spain.

If our first efforts should be unsuccessful, peace will then be set at a distance still greater; if we make war for honour, and suffer disgrace, every argument which influenced us to commence the war may be more strongly urged for its continuance; the acrimony of revenge will be added to the ardour of heroism, and we must fight, not only to preserve, but regain our reputation, and every man will then be afraid of advising peace, lest he should be thought a coward or a traitor, lest he should seem to shrink at danger, or to favour the enemy.

Thus, my lords, vigorous measures are very dangerous, equally destructive to the true interest of this nation, whether they prosper or fail; if we are defeated we must continue the war, lest we should appear discouraged or debilitated, and if we are victorious, lest the advantages of our success should be thrown away.

Against part of this reasoning one objection may indeed easily be made. It may be alleged, that late experience is very far from proving that our courage or our industry is increased by defeats, or that we are very easily fired with revenge, or very sensibly irritated by disgrace; for, though all these motives concur to animate us against the Spaniards, it does not ap-

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pear, that we have yet been very active enemies. Though we have been injured in our most important interest, and insulted in the most open and contemptuous manner, though we have been provoked to war by long continued ravages, and in our attempts to revenge them have been shamefully defeated; it has not been found, that either honour or anger, or interest have yet been able to awaken us; the Spaniards, weak and defenceless as they are, still laugh at our mighty armaments which float upon the ocean, and perceive no other consequences from our declarations of war, than a greater licence to plunder our merchants, and a more speedy distribution of the prizes which they gain.

The war against Spain, my lords, is the only war which was desired by the people, and the only war which it is our interest to prosecute: against Spain ought only vigorous measures to be pursued, because Spain is the only power that claims a right of interrupting our commerce, and the security or extension of our commerce is the only advantage that success can procure us. Yet this war only has been neglected; we seem to have forgot, that Spain is our enemy, while we are raising enemies in other parts of the world; and while we are urged to act vigorously against other powers, we are contentedly to suffer the Spaniards to continue their ravages, and passively to see our merchants pillaged, and our settlements invaded.

It cannot but be observed by all your lordships, that of this war, this important war, there is no mention made in the speech, and therefore, those that have only remarked the method of addressing the throne that has been lately practised, will not wonder, that it is omitted in the address, in which I shall not move for inserting it, but hope, that in our future deliberations it will not be forgotten, and that we shall act most vigorously against the most dangerous enemy, and avoid any engagements that may hinder us from humbling the pride and reducing the power of the Spanish plunderers.

Lord *Carteret*:

My lords; I shall always be willing to adopt any proper methods of proceeding, by whomsoever recommended, and to admit any true positions by whomsoever advanced, I shall therefore allow what the noble lord has asserted, that the present time is remarkably critical, and dangerous, and shall imitate his example in speaking to your discernment, and speaking with coolness.

When the time shall come with which he has been pleased to threaten us; the time in which he shall declare his sentiments with greater vehemence and emotion, when he shall propose more important enquiries, and offer more alarming considerations, I may perhaps answer him in the same stile; for as I am confident that nothing has been either done or omitted with an intent to promote any other interest than that of Great Britain, I am very far from being much affected by his menaces, or feeling any extraordinary solicitude about the answer which it may be proper to make.

I hope, my lords, to remove all prejudices that may be conceived in favour of the harangue which he intends, by shewing how groundless those insinuations are which he has vented on this occasion, and shall endeavour to make some preparations for a more copious defence, by destroying those scattered remarks which I consider as preludes to a formal attack.

He has been pleased to hint, my lords, that the congratulations proposed in the motion for the address were empty formalities, or expressions of joy for which no reason can be given; he has demanded, with some degree of contempt, what advantages have been gained, or at what success we are publicly to testify our satisfaction; he appears to think that nothing has been performed on one part or suffered on the other, and that the state of the public has received no remarkable alterations for the better.

But, my lords, if we compare the condition in which we lately saw the several powers of the continent with their present state, it will readily be owned that great changes have happened; changes which must be ascribed to the interest and arms of Great Britain, unless some other adequate and visible cause can be assigned.

Very lately, my lords, Germany was over-run by the armies of France, the queen of Hungary pressed on one part by the king of Prussia, and on the other by the Emperor and France, was obliged to fly to the most distant part of her dominions to secure her person from captivity. To such a calamitous state, my lords, was she reduced, that when it was deliberated in this House whether we should assist her, many were of opinion, that her condition

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was irretrievable, that all human assistance would be useless, and that it would be most prudent to abandon her, and with her the liberties of the continent, because it could not be hoped that the strongest efforts could preserve her from ruin. She was looked upon already as a subject of France, and it was imagined that in a few weeks her capital would be garrisoned by the troops of her enemies.

At this time, my lords, when general despondency appeared likely to prevail, I had the honour to rise up and to declare that though the affairs of the continent were embarrassed, I was of opinion, that by vigour and dexterity, order and right might be again restored; and that though the power of the French was great, and their progress had been rapid, I believed that they might still be resisted, and that such obstacles might be thrown in their way as they should never be able to surmount. Many of your lordships may remember my assertions, and I hope, that what in my own opinion so much tends to my honour will not be forgotten.

It may be likewise remembered by your lordships that I not only asserted in general that the scheme of the French might miscarry, but I pointed out its defects, and predicted that the emperor, then elated with conquest, would soon, if proper measures were pursued, be reduced to the condition in which we now behold him, and to which he has been reduced by the steadiness and power of Great Britain.

To the influence of Great Britain it is to be attributed that the king of Prussia has consented to a peace, and that his example has been followed by other princes; to British succours does the queen of Hungary owe the present prevalence of her arms, by which the French have been obliged, after exhausting their treasury by immense expences, and weakening their armies by numerous detachments, to quit all the German provinces, and secure the remains of their shattered troops within the pale of their own frontier; and after having quitted with the most destructive and shameful precipitation, what they had suddenly and perfidiously over-run, to leave their ally, the emperor, without succour, and without money, a spectator of the conquest of his hereditary countries.

They are indeed endeavouring with their usual spirit and industry to recover their losses, but they are endeavouring impossibilities; for they can only recover their strength by our indolence or folly, and can become formidable only by our cowardice. For what they have lost is not to be purchased with money or restored by power. Money may indeed procure new horses to remount their cavalry, but these horses will not be trained to war. Power may again fill their regiments with men, but only discipline and experience, my lords, can make them soldiers. They may force the labourers or manufacturers into their ships, but practice is required to instruct them in the art of navigation. Nor can it be imagined, that their armies, though equally numerous, can in a short time become equally dangerous with those which they have lost.

Such, my lords, is the success upon which it is proposed that we should congratulate his majesty; such success, as many of your lordships appeared to think impossible, and such as is surely more than equivalent to the subversion of fortresses or the honour of a battle. If we have not slaughtered our enemies, we have obliged them to destroy themselves; if we have not stormed towns and citadels, we have compelled those that had taken possession to evacuate them; we have apparently recovered kingdoms and restored our ally to the possession of all her provinces; and if this has been done without a battle, the reasons of congratulation are surely not less but greater than if we had bought our triumphs with the blood of thousands, and had weakened ourselves together with our enemies.

The condition to which the emperor is reduced is well known; the French have with their usual fidelity left their ally in a worse state than themselves; they are indeed compelled to desist from invading the Austrian to defend their own country; but the emperor is not only made unable to invade the dominions of others, but is left without any of his own to defend; while he was grasping at a kingdom, he has lost his electorate, and is now obliged for the security of his person to retire to a neutral town.

These, my lords, have been the effects of our measures; of measures which his majesty desires to be enabled to pursue; and surely there can be no reason for desisting from schemes so just in themselves, and which have been hitherto carried on with so much success.

It cannot be denied, my lords, that this war was begun in compliance with the general voice of the people, it cannot but

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be remembered that the nation unanimously desired the relief of the queen of Hungary, and that it was impossible to enter any place of general conversation without hearing encomiums on the firmness and the magnanimity of that illustrious princess, whom every man lamented in proportion as he admired her, and whom almost every man appeared willing to succour, if succour could yet be given her.

It cannot be imagined, my lords, but that those who were thus desirous of checking the ravages and repressing the power of France must know, that armies were only to be repelled by armies, and that power was only to be repressed, by being overcome; and therefore, when they proposed to relieve the queen of Hungary, they could propose nothing less than to make war against France. With regard to the consequences of war which the noble lord has been pleased to enumerate, they are generally known, and those who declare war must naturally intend to sustain those calamities which are inseparable from it, to bear for a time the labour of vigilance, the expence of armaments, and the interruption of commerce.

I know not, therefore, why any man who desires the re-establishment of the balance of power, who declares himself an enemy to the House of Bourbon, and asserts the necessity of observing public faith and of supporting our allies, should be alarmed at the mention of vigorous measures, since it is unreasonable to think that any of these purposes can be otherwise attained. It cannot be supposed, that the French will voluntarily quit any of their acquisitions, or will desist from any of their schemes, but because they are defeated in their attempts, or intimidated by the appearance of superior force.

What has been urged against vigorous measures is of force only against rash designs, with which the noble lord appears to have confounded them throughout all his observations on that part of the Speech. Most of his positions therefore are such as no man will contest with him, but they are such likewise as are useless in the present disquisition. I shall readily grant, that we ought not to engage in a war which we are not able to support, and that we ought to consider the consequence of the measures which we propose to follow; but it cannot be inferred from these concessions that vigorous measures are dangerous or improper.

It has been observed by his lordship, and observed with great justice and truth, that it is the natural interest of a trading nation to cultivate peace, since it will always have more to hope from prosperous commerce than successful war; because the returns of trade are in our own power; but it cannot be shown even from this principle, that vigorous measures are not necessary; because that peace which is represented as effectual to our welfare, and that security which must give spirit to our merchants, is not otherwise to be obtained. What can be done by moderation and a palliative conduct has been long tried, and every instance has taught us, that no real or lasting advantage is to be expected from them; the expedients which were used last year become again necessary in this, the same expences must be renewed, and the same treaties repeated; and if it be found, that bribes and treaties are produced only by the fear of entering into war, the demands will be every day heightened, and the conditions be always made more unequal.

It is however, my opinion, my lords, that, while we prepare to act with vigour, and show by our preparations, that we neither fear nor decline the last trial, we should still pay so much regard to our natural and constant interest, as not to irritate our enemies with unnecessary provocations. It will be surely proper to imitate the French in mixing politeness with hostilities, and though we oppose all their schemes, and disappoint their ambition, to treat them with all the outward forms of civility. This conduct, my lords, which they cannot much blame, since they have themselves taught it, will not hinder us from taking any advantage that may be offered. The decency with which we shall mention the king of France, in our memorials, will afford no protection either to his fleets or his armies; nor shall we purchase that friendship which we may profess to value at a very high rate, by the concession of a single town, or the forbearance of a single act of hostility which it is in our power to practise.

The observation of decency, my lords, will yet have this advantage, that it will prevent the animosity between the two crowns from becoming irreconcilable. In common life, my lords, injuries are more patiently borne, and more easily forgiven than contempt, and it cannot but be imagined that the delicacy of princes is still greater than that of other men, as they are more accustomed to submission

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and respect. It is therefore prudent in those whose dominions are so situated that their interests cannot be wholly disentangled, and who must maintain a perpetual intercourse with each other, to conduct even their hostilities in such a manner as may still leave room for mutual respect, and to remember in the heat of war, that there must some time be peace, and that it is always desirable that where there is peace there should likewise be friendship.

For this reason, my lords, I shall not advise a declaration of war against France; we will oppose them and oppose them with vigour; but we will term them friends, and mention them with respect; and I am persuaded, my lords, that they will follow the same maxims and profess the same regard to us, while they are endeavouring our destruction.

As I am equally with the noble lord inclined to proceed with prudence, I differ only from him in my persuasion, that prudence and vigour are very consistent; or to speak more properly I think no measures can be called prudent, at the present conjuncture, that are not vigorous. By vigour only can the House of Austria be restored, and by the restoration only of the House of Austria can the balance of power be preserved.

Vigorous measures are therefore prudent, because they are most likely to restore the balance of power; and peace can only be expected to be lasting, when power and dominion are so distributed, that it is no longer the apparent interest of any potentate to disturb the quiet of his neighbours; when ambition always sees opposition prepared against her encroachments, and rapacity finds the danger of loss equal to the hopes of gain.

But it has been observed by the noble lord, that vigorous measures, however necessary, can only be prosecuted by those who are united by one common interest, and who have no other enemies than those whom they profess to oppose. The reports, my lords, which have given occasion to this malicious insinuation are by the restless and industrious malice of the enemies of the government made too public, and no endeavours have been spared to persuade the nation that its honour has been trampled and its wealth squandered; but I hope, the discernment of your lordships will easily secure you from being deceived by such gross calumnies, and that it will not be necessary to destroy by a formal confutation such reports as cannot be credited.

It is certain, my lords, that there may be disagreement without disunion, and that there must always be disagreement where there are many of different education, different capacity, and different habits of thinking, who have all an equal right to declare their opinion; but if this disagreement may be called disunion, perhaps no two men ever were united. It is at best certain that discord must for ever reign in all numerous assemblies; for when, my lords, was it known that all the members of any senate were exactly of the same opinion?

It is sufficient that those who are to act in conjunction, are united by one general interest, which they all desire to promote, though they sometimes differ with regard to the most probable methods of attaining their end: it is sufficient that they all tend to one point, though they are for taking different paths to arrive at it; for whatever heat may be excited by imprudence or jealousy in those deliberations which the contrariety of opinion produces, the resolutions when taken are to be considered as the act of the whole body, in which all individuals must by the laws of society acquiesce, however contrary to their private notions.

That there have been some petty disputes cannot be denied, but they have had no other ill consequence than this, that they have furnished new topics for defamation, and supplied disaffection with a new magazine of poison, which has been scattered over the nation; and care will be taken to put an end to all such differences in a manner that may give no party any occasion of complaint. There may likewise have been some errors committed by haste or forgetfulness in affairs of little moment; but when was it found that any public transactions were conducted without error even in time of peace? And surely that indulgence which we show at all times to the weakness of human nature, cannot be reasonably withdrawn in a time of war, when perplexities are necessarily increased, when more considerations are to be adjusted, and when the necessity of a speedy execution very often precludes deliberation, and action may be sometimes said to precede design.

Among these errors I cannot admit that any neglect of the war with Spain ought to be numbered; for that no such neglect is to be imputed to us is well

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known, at least to the Spaniards, who having forgot that the lords of the sea were their enemies, imprudently landed an army in Italy, where it must be destroyed without a battle by the want of necessaries, which are withheld from them, and will continue to be withheld by the British fleet.

It is perhaps not easy to conceive a more destructive method of making war, than that of shutting up an army in an enemy's country, and harassing them with famine and diseases; nor can we imagine that the queen of Spain is ever more sensible of the folly of making Great Britain her enemy, than when she considers her fleet shut up in one place, and her army blockaded in another, when she finds herself compelled to support, by purchasing provisions in another country, a navy which, however expensive, is of no use, and hears every day of the distresses of an army from which she expected new kingdoms, and of which she believed that it would conquer the dominions of the queen of Hungary by being landed upon them, but which she can now neither succour nor recall, and which must inevitably perish by hardships and penury.

Thus, my lords, it appears that the war with Spain, how transiently soever mentioned in the Speech, or however omitted in the address proposed, has been prosecuted with diligence and activity proportioned to its importance; for, in my opinion, my lords, Spain is not the enemy against which our force ought chiefly to be exerted: for though her friendship is of great value, her power is by no means formidable, and therefore it is rather our interest to carry on that traffic which is very beneficial to us, than to make war from which very little can be hoped, and by which much will be lost, if we consider only the suspension of our commerce.

There is an enemy, my lords, at once nearer and more powerful, an enemy which equally in peace and war endeavours our destruction, and whose trade and armies are equally to be dreaded; an enemy so artful, that even the utmost friendship which can subsist between us, is only an intermission of open hostilities, while our wealth is hourly drained away either by clandestine and illicit traffic, or by such as, though permitted by our negligence or complaisance, is apparently pernicious to us; traffic by which we receive nothing necessary or useful, in which we purchase only luxuries and superfluities, and these only for money.

This traffic, my lords, is indeed no subject of enmity, because it is in our own power to put an end to it, nor have I mentioned it but as an indication of the designs of the French; designs which have been invariably pursued by them from one year to another, and which they are often carrying on with most vigour and with most success, when they seem to have forgotten them.

Increase of power, extension of dominion, and the subjection of Europe, have been the motives of the conduct of France; for the sake of these, and these only, has she made war or peace, ratified and violated treaties, offered her mediation at one time, and fomented discord at another. Whatever she has done, my lords, and whatever she has omitted, whosoever she has courted, or whomsoever she has insulted, she has intended nothing but to weaken her neighbours, and to exalt herself to universal empire.

Against this enemy, an enemy at once powerful and subtle, active, and resolute, it is proper to turn, if not all, yet the greatest part of our power, because all others are below our regard, or because they only oppose us by accident or by caprice. If the Spaniards make war against us, we may safely content ourselves with defensive measures; we may repel their attacks indeed, and shew them that they are engaged in an enterprise in which they can hope for no success: but it is not necessary to pursue our victory, or to improve our advantages, because we can gain nothing by a war equivalent to the loss of our trade, because the Spaniards are already so weak that no real danger is to be dreaded from them; and though they may rob, yet they cannot conquer us, and, for another reason yet more important, because they have no general or national view to gratify by extending their dominions, and if they make war against us, it is not in pursuance of the voice of the people, but in conformity to the particular interest of a single prince or the private opinions of the present minister; and we need only wait for a change of the administration, or the death of a king, to obtain again the friendship of Spain.

But the French are throughout the whole nation equally infatuated with the glory of their king, and the desire of increasing their influence, and aggrandizing their empire, their ambition is hereditary, and their pride is universal. If a king dies, another succeeds to the same views,

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and if a minister is removed, it is only because he is not sufficiently vigorous or successful in prosecuting the great design of enslaving the world.

To dally with such enemies is therefore the utmost degree of ignorance, and weakness, because no advantage can be expected from delays. If by any expedient we hinder their progress for the present year, they will forward it the next with greater power; for the only use made by them of those intervals of peace, which we have so often applauded our own policy for being able to procure, has been only to increase their forces, and advance their preparations, to store their magazines, and equip their armaments; their malice still continues the same, and their strength grows every day greater.

It is therefore undoubtedly proper to recommend vigorous measures against France, because only by vigorous measures can we hope to preserve either our allies or ourselves, nor can I conceive, why the noble lord should think the mention of vigorous measures so formidable a sound. If it be necessary to make war; and that it is now necessary will not be denied, it is surely necessary to prosecute it with our utmost force, because war is in itself a calamity, to which we ought to put an end as soon as we can, and because, whatever is the end for which the war is made, it can only be obtained by success, and success is only to be expected from vigour.

With regard to the meaning of vigorous measures, about which his lordship seems to be perplexed, it is perhaps not possible to ascertain it, because it is not possible to foresee what the exigencies of war may require, what disappointments we may suffer, or what resistance we may find; but I cannot deny that his lordship has very justly particularised some things which ought not to be intended, and allow that war ought not to be perpetuated, and that we ought to have no other view than to obtain a solid and a lasting peace by repressing the ambition of the French, by disabling them from disturbing their neighbours in their possessions, and obliging them to confine their views to the defence of themselves.

This, my lords, is not so difficult as may be perhaps imagined by those who have been for many years habitually terrified at the name of France, and who have been taught to think, that she has by her late acquisitions of dominion, and the long prosperity of her commerce, obtained such a degree of power as is no longer to be opposed; for if it be considered what will be suffered from the war by each of the contending powers, it will appear probable that France must be first exhausted, because her trade is interrupted by it, if not wholly suppressed, and ours, though somewhat disturbed by privateers, is in reality increased.

In that part of the kingdom where the woollen manufacture is carried on, when I lately spent some of the summer months there, I found the greatest part of the looms unemployed, and heard on all sides, and from all parties, an universal complaint of the decay of trade, and the number of the poor, accompanied with a general dread of greater calamities from a war with France, which began then to be foreseen, and which they imagined likely to destroy the last remains of their trade, and spread the whole country with hopeless and irremediable beggary. I endeavoured to dispel their fears, and assured them that they would find very different effects from a war with France, and that nothing could so much conduce to the revival of our manufactures, and by consequence to the removal of those grievances which they then lamented.

What were the effects of my assertions or arguments I am not able to declare, but have reason to hope that I shall be at least believed for the future on the like occasions; for they have now found all my predictions exactly verified; there is not in the whole country a single loom to be found which is not at work, nor a single manufacturer who has not more masters than one ready to employ him.

This, my lords, since the commencement of the war against France, is the state of that part of the kingdom with which I am best acquainted, and of that manufacture which has always been considered as most important; whether in other provinces the same effects have been observed, other lords can with most certainty declare; but I believe that all parts have been in some degree benefited, and that no new inconvenience has been yet felt that can by the most partial enquirer be considered as a balance to these apparent advantages. But the condition of France is very different, while our workmen are refitting their instruments, and our traders increasing the wages of their servants, the French find their commerce destroyed by the war, which compels those manufacturers that might be useful to the public, to give

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up their trade to their enemies by entering into the army. They are now constrained to maintain troops without trade, and to waste their treasures without any prospect of retrieving their expences.

Thus, my lords, we have already begun to distress the French, and, without a formal declaration of war, have destroyed their armies, stopped their commerce, and so far exhausted their riches and their strength, that we have very little to fear from them; and yet it is objected, that with great expences and ostentatious armaments nothing has been achieved.

This calumny, my lords, may be more patiently borne, because it was vented with equal confidence against those who subdued France in the reign of queen Anne. Amidst our daily successes and triumphs it was then asked by the discontented what had been done? And what advantage our victories had procured us? Nor did the insinuation which these questions implied fail to exasperate the people, though it was answered, and as the event has shown, answered with truth, that the French were so weakened, that they could not renew the same attempts in less than thirty years.

It is now, my lords, in our power to check them once more in their career, and to withhold universal monarchy from them for another period of the same length, in which it is not to be doubted but some opportunities may arise of fixing more lasting barriers of empire, and of destroying for ever that hope of boundless dominion which has given so much disturbance to mankind.

To this check which is now designed the treaty which his majesty has mentioned will very much contribute; for that prince, whose situation may be said to have put into his hands the keys of the most valuable part of Europe, and whose possession of the passes of the mountains enables him to hinder with a small force the passage of numerous armies, is by this treaty united firmly to us, and our allies, whom he will support at the hazard of his kingdom, and of his blood.

It is surely proper to observe to your lordships that this prince has been influenced to these engagements by his personal regard for his majesty, on whose faith and honour he reposes the utmost confidence, and whom he will never desert, because he thinks there is no danger that he should ever be deserted by him.

That his majesty should be treated with confidence is indeed very natural; for every day affords some new proof of his firm adherence to his engagements, and his zeal for the common cause of liberty and Europe; nor has any part of his behaviour, or of his conduct, which the noble lord has been pleased so particularly to mention, given the least reason to suspect, that he has any other intention than that of promoting the general happiness of mankind, and securing his allies from insult and oppression.

His lordship has indeed attempted to make between conduct and behaviour a distinction which I confess myself unable to understand, and which does not appear to me founded upon any difference. His majesty's behaviour in the field was intrepid, and his conduct in general was wise; nor do I see how he can be denied the praise of either, or why they are not both equally his own.

This treaty, my lords, as it is not afraid of the light, being the best that the circumstances of affairs admitted, will be laid before you, without any of those reserves which may have formerly been used, but which my zeal for the prosperity of my country inclines me to hope, will never be necessary again.

That they are not necessary on this occasion, I am sufficiently confident, because no stipulations have been made which do not conduce to the general purpose which we are now to promote, and to which, though some objections may undoubtedly be made, yet they will either be answered, or shown to be overbalanced by the advantages procured, or to be such as were of less weight than might have been offered against any other measures.

In such a complication of different interests, such a perplexity of unconnected designs, and such contrariety of particular motives, it is not a subject of wonder, that difficulties should arise, or that men of vivacity and acuteness should be able to raise specious objections against any schemes that can be formed; for indeed it is not possible for the most sagacious and comprehensive mind to form a plan, in which all oppositions will be adjusted, and all pretensions reconciled; after the exactest and most laborious consideration, some powers must be dissatisfied, and some events left to hazard.

But amidst all this perplexity, my lords, we are not to suffer ourselves to be discouraged, since it is not less to our adversaries than to ourselves; and since we can

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only disentangle ourselves by industry and fortitude. The present interest of Europe with the treaties and alliances to which they have given rise, form a kind of labyrinth, rather intricate than strong, through which we may sooner force a new passage than find any certain or beaten path, and from which we can only escape by keeping one point always in our view, and employing all our efforts to approach it. By this procedure we shall indeed commit some trifling errors, and injure fences which we have no desire to destroy, but in great attempts trifles cannot be regarded, and if we obtain our end, even those whom we have appeared to neglect will have abundant reason to applaud our conduct.

This great end, the suppression of France, we are now to pursue, and to pursue with that vigour which is necessary to accomplish it. If we are unanimous and speedy, we need not doubt of success, and if we are successful, we need not fear any other enemy.

The Earl of *Chesterfield:*

My lords; as I have no intention to engage in a formal discussion, either of the speech or motion, or of the arguments which have been advanced in the defence of either one or the other, I rise only to support one of my assertions which the noble lord has been pleased to deny, but from which I cannot prevail upon myself to recede, till I shall be convinced of my error by stronger reasons.

I alleged, my lords, that his majesty's conduct ought not to be confounded with his majesty's behaviour, because they are very different from each other; so different, that the one might be erroneous or defective, when the other might deserve the loudest commendations.

This distinction appears to the noble lord to be without a difference; he alleges, that his majesty's conduct and behaviour were equally his own, and in confirmation of his assertion, adds, that his conduct was wise, and his behaviour intrepid.

The question which I propose now to examine, is not what degrees of wisdom or intrepidity have been shewn by his majesty, nor even, whether either his conduct or behaviour have been such as they are represented, but whether they are the same: and that they are not the same, will appear even from the application of those epithets which his lordship has used, which, however beautiful and just, would by being transferred from one substantive to the other, lose both their elegance and propriety.

This dispute, my lords, is not merely verbal, but is, in its tendency and consequences, of very great importance; for his majesty's behaviour being only personal, can have no place in our debates; but his conduct, which must be founded upon the representations and advice of others, is the proper subject of our enquiries, and those who are desirous of confounding his majesty's conduct with his behaviour, may be reasonably suspected of being equally desirous to confound his majesty with themselves, and to shelter their own errors or wickednesses behind the throne of their master.

But the interest of the nation, my lords, requires, that no such subterfuges should be admitted, and that those who have dared to give their sovereign advice contrary to the interest of their country, should be driven out from the retreats of subtilty, in which they hope to lie hid from examination, or from those fortifications of confidence from which they may defy it; and that they should be called out to answer to the public for those parts of his majesty's conduct which have been influenced by their counsels, and punished with just severity if those counsels shall be found either to have proceeded from ignorance of the affairs, of which they have undertaken the administration, or from neglect of the interest of the public which they presume to superintend, or from a mean desire of perpetuating employments and engrossing favour, by abject servility, and criminal compliances, by flattering those passions, which, though natural, ought not to be indulged, or complying with proposals which, though they may benefit an inconsiderable province, can yet have no other effect upon the common cause, than the production of distrust and jealousy, and promotion of faction.

Nor can I prevail upon myself to imitate the present mode of compliance, so far as to acquiesce in the noble lord's account of the present state of our manufactures, which, I am afraid, rather decline than increase in general, whatever accidental demand there may be for the commodities of that part of the kingdom, which is favoured with his lordship's residence; nor can I easily persuade myself, that the parallel between the trade of this nation and that of France is fairly stated; I should imagine, my lords, that our long acquaintance with the policy of the French, our

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knowledge of their care of trade, and our unpleasing experience of the skill with which it has for many years been prosecuted by them, might secure us from the danger of being deceived by such improbable representations. They are too sensible of the advantage of commerce, and too well acquainted with the methods by which Great Britain may be most effectually weakened, to recruit their armies at the expence of their manufactures, and so far are they at this time from perceiving any decline of commerce, or finding themselves overburdened by superfluous workmen, that the traders have, by a voluntary combination, provided recruits for the army, to preserve their servants from being forced away. They have now registers of all the different classes of men which are to be found in their towns, of which, one intention is to secure the manufacturers from being taken away; so that if any regard be paid to external appearance, the trade of France must be allowed to flourish; and it is too well known, that as the trade of France flourishes, that of Great Britain must decay.

It will be therefore, in my opinion, my lords, very worthy of this House to enquire, among other grievances, into the declension of our trade, and examine, whether those who burden the nation with mercenary troops, do not injure that commerce by which they must be supported.

These enquiries, my lords, every day, every hour, makes more necessary, and therefore we cannot delay them without neglecting the duty which our station requires from us, and partaking the guilt of those whom we do not endeavour to detect and punish.

The Lords' Address of Thanks.] The following Address was then agreed to:

"Most Gracious Sovereign; We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your Majesty our humble Thanks, for your most gracious Speech from the throne.

"The anxious concern which filled the breasts of all your faithful subjects, upon the dangers to which your sacred person has been exposed, redoubles our joy on your safe and happy return into this kingdom. Our first thanks are due to Almighty God, for the preservation of your invaluable life; our next to your majesty, to whose magnanimity and unwearied labours for the good of the common cause we stand so highly indebted. On this occasion, permit us to offer our sincere congratulations to your majesty, on the success of your arms, in the support of the House of Austria, and the defence of the liberties of Europe.

"A strict union between your majesty, the queen of Hungary, and the king of Sardinia, is so necessary in the present posture of affairs, that we take great satisfaction in seeing it established; and we beg your majesty to accept our thanks, for communicating to us the conclusion of the definitive treaty for that purpose. The just and necessary war in which your majesty is engaged against Spain is of so great importance, that the disappointment of the ambitious designs of that crown cannot but be particularly advantageous to these kingdoms.

"We acknowledge, with the utmost gratitude, your majesty's goodness, in declaring to your parliament your wise and salutary views to bring about a general and honourable peace, by vigorous measures. In so glorious a cause, animated by so great an example, the arms and the hearts of Great Britain will always attend upon you. And we do, with a resolution and firmness becoming your House of Peers, assure your majesty of our zealous and cheerful concurrence and support in the necessary means to this great and desirable end.

"We beg leave to congratulate your majesty on the auspicious marriage of her royal highness the Princess Louisa with the Prince Royal of Denmark; and on the increase of your royal family, by the birth of a prince. Every event which adds strength to your illustrious House, is an addition of security to your kingdoms; since, on the stability of the Protestant Succession, the continuance of our religion, laws, and liberties, does, under God, depend.

"The gracious manner in which your majesty has recommended to us union and harmony at home, is a fresh instance of your paternal tenderness towards your people: it shall be our constant endeavour in all our proceedings, to promote and augment these good dispositions, which are so peculiarly necessary in this conjuncture. And we beseech your majesty to accept the strongest assurances of our inviolable duty and fidelity to your majesty; and that we will stedfastly pursue such measures as may most effectually conduce to the honour and safety of your

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majesty, the security and prosperity of our country, and the maintenance of the balance and liberties of Europe."

The King's Answer.] His majesty returned the following Answer:

"My lords; I return you my hearty thanks, for this dutiful and affectionate Address. The assurances you give me of your vigorous support, will have the best effect abroad; and you may depend on my making use of that confidence which you repose in me, for the honour and true interest of my crown and kingdoms."

*Debate in the Commons on the Address of Thanks.**] December 1, 1743. The Commons being returned to their House, the Speaker repeated his majesty's Speech; upon which

The Hon. *Edward Coke* (son to lord Lovel) rose and said:†

Sir; as our duty to our sovereign makes it necessary for us to return some sort of Address by way of answer to his Speech from the throne, at the opening of a session, and as this practice has been established by immemorial custom, I should not think it necessary to give you any trouble, or to say any thing in support of the motion I am to make; but the present conjuncture is so critical, and the services his majesty has lately rendered, even at the risk of his sacred life, are so extraordinary, and have been attended with such happy consequences, that I cannot rise up, upon this occasion, without taking particular notice of them; therefore I hope I shall be excused, if I introduce my motion with my sentiments upon that surprising turn which has been lately given to the affairs of Europe, by his majesty's wisdom and conduct.

In order to do this, Sir, I must begin with observing the dismal prospect we had of the affairs of Europe about eighteen or nineteen months ago. I think there is no maxim in politics more certain than this, that it is inconsistent with the liberties of

* From the London Magazine.

† The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

The Address of the Commons was moved by Mr. Coke, seconded by Mr. Philip Yorke, who both gained credit by their performances. We were present at a meeting of some of the principal court members in the House of Commons a few nights before, where a material alteration or two were made in the first draughts of the Address, which afterwards received the usual sanction of the general assembly of the well affected at the cockpit. The opposition to it was opened by Mr. Pitt, supported by messrs. Doddington, Lyttleton and Grenville: Winnington, lord Cornbury, H. Fox, and the Chancellor of the Exchequer, had a principal share in defending it; Mr. Pelham (who was considered as the minister in the House) had vacated his seat by accepting the place of First Commissioner of the Treasury, and could not be rechosen until the 15th.

The debate as is usually the case on the first day of a session, turned on generals; a large fund of matter was opened for future disquisition: the not pursuing the French—the leaving the wounded and dead on the field of battle—the not improving the victory—and the partialities to the Hanoverians were pointed out as new objections to the method of carrying on the present system; and the old ones of too large expence—too extensive a plan—and too insufficient a strength were revived—particularly the unwillingness of the Dutch to come into our measures was inferred from their late conjunction the last campaign. It was likewise added by Mr. Pitt that the work was over as the French had evacuated the empire, and that the doing any thing further against them would be to engage in a war of equivalent and acquisition.

Lord Carteret was severely reflected upon, and styled by Mr. Pitt, an execrable, a sole minister, who had renounced the British nation, and seemed to have drunk of the potion described in poetic fictions, which made men forget their country. But the chief argument upon which he and the others who spoke on that side of the question insisted, was that the expressions in the Address relating to the Treaty of Worms implied a blind approbation of a matter which had not yet been laid before the House; and which on inquiry they insinuated might turn out to be a very bad one; besides that it was absurd and dishonourable for an House of Commons to declare their satisfaction, in any degree with a Treaty which they had not seen, though it was ever so advantageous.

Lord Cornbury who spoke in this debate, as he does in all others, with much good sense and discretion, took off the weight

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Europe, to allow France to increase her own power, or to divide the power of Europe into so many branches as to make it impossible for any one prince or state to think of opposing her in any of her ambitious schemes; for it is very certain,

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of this entirely, by shewing that no other meaning could be applied to the words objected to, than the declaring (what was undeniable) that the establishing of an union or strict alliance between his majesty, the queen of Hungary and the king of Sardinia was in itself an advantageous measure for the common cause, without including an approbation of one single article of the particular treaty which had been concluded. He laid it down, that the parliament had engaged the king in these measures of preserving the House of Austria, agreeably to the voice of his people; that it was incumbent upon us to carry him through them with honour; that if we should now withdraw our support from the queen of Hungary, the French might enter Germany again, and reduce her to the same distress with that from which she had lately been delivered. He touched the Battle of Dettingen very properly, and called it "in every foreign country the glorious, though in the public libels of this country the exploded, Victory of Dettingen."

Both Winnington and Sandys defended lord Carteret, and reproved Pitt for using such severe unparliamentary language in relation to a great minister, before his actions had been examined, and who was not there to answer for himself: and the latter in particular said, that his integrity and love to his country were equal to his abilities, which were acknowledged by the whole world; and that from the long friendship and esteem which he had for that noble person he could say no less of him. Winnington rallied Doddington upon the non-completion of his prophecies, viz, that the Dutch would not accede, nor the allies march or act in the empire;—the other promised, on some proper occasion, to shew they were fulfilled, and that no man in his senses when he said the allied army would not act in the empire could suppose he meant that they would suffer the French to fire upon them without returning it: he disliked the modern manner of addressing, which is to lump congratulations with compliments and assurances. He spoke more tenderly than Pitt on the nice subject of Hanoverian partialities, commended the king's personal behaviour, his virtues abused by a minister, and carried a little too far. He expressed his surprise, that after the battle the British troops shewed themselves so unused to victory, as not to pursue a flying enemy, or relieve their dying friends.

Mr. *Lyttleton* said, this precipitate and entangled approbation of a treaty unseen, put him in mind of a famous line in the Rehearsal, "The news is welcome whatsoever it be." "How Mr. Bayes," replies Smith very sensibly, "whether good or bad?"

The *Chancellor of the Exchequer* in answer to sir John Cotton (who asserted that the king had been engaged further by his ministers than was warranted by the advice of parliament), shewed that the present measures had been entered into on particular Addresses of advice, (alluding to lord Bath's famous motion in the first session,) not on general Answers to Speeches from the throne.

I will conclude this account with a List of the Speakers in their order, and the numbers on the division, which was occasioned by the absurd zeal of sir F. Dashwood, the leaders of that party not intending to divide upon the whole of an Address, which they allowed was the most unexceptionable of any that had been proposed within their memory.

SPEAKERS.

For the Address.	*Against it*
1. Mr. Coke.	3. Mr. Pitt.
2. Mr. Yorke.	5. Mr. Doddington.
4. Mr. Winnington.	7. Mr. Lyttleton.
6. Mr. Fox.	9. Mr. Grenville.
8. Lord Cornbury.	11. Sir J. Cotton.
10. Mr. Nugent.	14 Mr. Digby.
12. Mr. Sandys.	
13. Mr. Oglethorpe.	Noes 149.

Ayes 278.

On Tuesday the 6th of December, a very long debate which lasted till near ten o'clock, arose on the following motion of Mr. Waller's; viz, "That an humble Address be presented, most humbly to advise and beseech his majesty forthwith to give orders, that the Hanoverian Troops should not be continued in the service of Great Britain after the 25th of this instant December."

Lord *Barrington* seconded the motion to this effect, "That he was glad it was proposed so early in the session, because

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that, as soon as the thoughts of opposition end, those of dependence begin; and, consequently, if France could once effect this purpose, all the princes and states of Europe would become dependent upon her, and most of them would, at all times,

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the ministers would have time enough before then to think of other troops; and those who disliked the Hanoverians, though upon the whole they approved of the measures in which we were engaged, might have an opportunity of expressing that dislike without prejudice to the general system. He stated the objections to these troops, their backwardness to act against France and the Emperor, the refusal of a considerable part of them to obey lord Stair's orders in the battle—the Hanover staff so modelled that their generals might always command the British,—the custom introduced amongst them, that particular corps in a day of action should follow no directions but such as came from their own commander in chief—other partialities had been shewn to them in forage, quarters, &c.: wished he did not know the occasion of them: hence universal jealousies and heart-burnings had arisen both amongst the army and the nation: absolutely impossible they could serve with the English another campaign: it would even be better for us to pay them to join the French, than take them ourselves;—England had called the king's family to the throne out of her own free choice, with the dower she had a right to expect no rival in the affections of her sovereign;—ministers only to blame; some nearest to the royal person had not done their duty—parliament obliged to interpose, and represent the sense and the uneasiness of the people, and point out a remedy.

Sir *W. Yonge* opened the general arguments against the motion,—its prematureness—want of foundation—not the likely way to obtain a good peace by depriving the common cause of the service of 22,000 men; since the reasons for the motion extend as well to the 6,000 sent at the king's electoral expence, as to the 16,000 in our pay.

Sir *F. Dashwood.* Distinction only betwixt Englishmen and Hanoverians;—heartily affectionate to the king and his royal family; thinks this Address if complied with, will tend to strengthen them in the hearts of the people, therefore for it.

Lord *Baltimore.* No proper grounds before us to found such a Resolution upon. It will have the worst effects abroad,—loosen the alliances which have happily heen formed, and give credit to the infamous libels, &c. which have been published.

Lord *Hillsborough.* The Address moved in tenderness to the administration, to warn them of the danger and odium they will incur by taking so unpopular a step; and give them time to exchange these troops for others. Volumes of libels written against those who have stood up in defence of their country.

Col. *Cholmondeley.* Against the motion: quotes Sempronius in Cato, (very absurdly), in allusion to the warmth of the promoters of it: "I'll bellow out for Rome and for my country, and mouth at Cæsar till I shake the senate."

Lord *Guernsey* for it.

Mr. *Hamilton* against it.

Sir *Thos. Drury* most heartily against it.

Nugent for it.

Thos. Pitt, (elder brother to W. Pitt,) just come out of the country, very ill informed; balances between the necessity of supporting the House of Austria and checking France, and the propriety of employing these troops to those ends; calls upon the officers in the House to declare their sentiments. If they are of opinion that the Hanoverians cannot act with the British forces, thinks it preposterous to take them; if they can, not afraid of names; vows he has an English heart.

Ellis against it.

Oswald for it.

Sydenham for it.

Hungerford against it.

Banks for it.

Ross (a lieutenant in the guards) of opinion the troops cannot act together; tells a story of a drunken quarrel between an English groom and a Hanoverian soldier on their march into winter quarters; after which the latter had been acquitted by his commanding officer before the party aggrieved had an opportunity of being heard, and producing his evidence.

Lord *Ch. Hay* (a colonel in the guards) thinks the dissensions between the troops not irreconcilable; not owing to partialities, but want of discipline: the groom who gave rise to the dispute, one of the most drunken quarrelsome fellows in the whole army; had carefully enquired into the causes of this uneasiness; a contractor for forage turned off by us, afterwards

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think of preserving their insignificant shadow of sovereignty, only by being obedient to her commands, and assisting her against those who should bravely dare to rebel. We should then be in the same circumstances Europe, or, I may say, the

served the Hanoverians extremely well, who had sometimes forage, when our men wanted it, this was what the soldiers meant by partialities. The question reflects upon the great person who commanded, and who could not be concerned in these trifling quarrels.

Ross. Means no reflection of that sort; the instance he gave happened after that great person had left the army.

General *Campbell.* Though not used to trouble the House with his sentiments, provoked to it by what he had just heard; such accidents common to all armies composed of different nations, must be checked and prevented by good discipline, and the prudence of those who command: nothing had passed but what might easily be remedied; not deserving the notice of the House; does not think any ill consequences can attend the junction of the two corps another year.

Strickland (a brigadier in the horse guards) seems to give up Ross's story, but tells one more foolish of the Hanoverians taking straw from the English; relies upon the straw.

Ed. Finch. His speech was levelled at lord Stair; the contractor employed by him had served Maillabois, was a bankrupt; blames his passage of the Mayne without consulting the generals of the allies, and against the opinion of the British; and likewise the march to Aschaffenburg, where the army was in danger of starving and being cut to pieces: delivered from this distress by his Majesty's arrival; speaks warmly against the question as reflecting upon him.

Sir *J. Cotton* calls him to order:—

Speaker reproves him.

Mr. *Finch* will not mention that great person in the debate: defend him he will every where.

Calthrope against it.

W. Pitt. This a question of advice on a very important subject, and at a very critical time; appeals to the private consciences of gentlemen, whether they do not wish the Hanoverians out of our pay: his Majesty yet stands on the firm ground of his people's affections, though on the brink of a precipice: it is the duty of parliament to snatch him from the gulph where an infamous minister has placed him, and not throw paltry flowers on the edge of it to conceal the danger: it may be a rough, but it is a friendly hand which is stretched out to remove him. Never heard a gentleman of merit say, before the honourable person (gen. Campbell), that no bad consequences can attend the junction of Englishmen and Hanoverians next year: Our countrymen must dread the renewal of those indignities they have been forced to swallow. Talks with freedom of his majesty's military ministers: gentlemen of the army very nice on those points, who have been bred to sentiments of honour. What they have said, truth; but they have suppressed part of it; very wise in them to speak with caution; the hand of power is over them.

Sir *W. Yonge* calls him to order: desires he would speak to the question, and let persons alone.

Mr. *Pitt* again. Insists on what he said before as parliamentary; applies the expression of the 'hand of power' to ministers.

The *Speaker.* Interruption part of his province; to suppose any person in this House influenced by the greatest person in the kingdom unparliamentary: to suppose them influenced by ministers always thought peculiarly mean and scandalous: therefore not to be insinuated.

Mr. *Pitt* again. Flatters himself if the Speaker had heard him out when he was endeavouring to explain what he said, that he would not have interrupted him. Notwithstanding interruptions, which had disordered his train of thought, determined to say what lay at his heart. Could prove that the invariable rules of service had been neglected with regard to the English officers. General of the English army not advised with: the great person hemmed in by German officers, and one English minister; how could he then be informed of the sense of the army, or of the people, almost exasperated to despair. Every symptom of some dreadful catastrophe attends us. This Address full of parliamentary respect. How much better to suggest our thoughts on this matter previously to any proposition of this nature from the crown, on which we may put an unwelcome negative. Other troops may be had for our money, those of Saxony or Cologne: British guards put under the command of a Hanover lieute-

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world was, when the grandeur of the Romans was at its greatest height. Some of the princes and states of Europe might be dignified with the deceitful title of *Socii Gallici Imperii;* but if ever any one of them should dare to behave otherwise

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nant general out of his turn against the rules of service. Earl of Stair's orders not obeyed. These discontents took their rise on the other side of the water; repeats it again, that the great person hinted at, was hemmed in by German officers and one English minister without an English heart.

Mr. *Solicitor General.* The question not now whether you would chuse Hanoverians preferably to other troops, but whether you would deprive the common cause of so great a strength as 22,000 men, without knowing it can be replaced. If you cannot, those left behind will be sacrificed.—The question unnecessary to the end proposed; destructive of that end; detrimental to the public, both in a domestic and foreign light: 1st, Unnecessary to the end, because the troops will of course be out of our pay the 25th of this month; and if they are asked, the debate will arise *de novo;* if not asked, what occasion for advice? 2ndly, Destructive of that end: the reason avowed is candour to the ministry; but if this Address be carried to the throne, every prince of whom you can hire troops, will impose unreasonable terms upon you, and your enemies will counterwork you. The Address should be full of parliamentary respect: thinks it injurious to the crown: it advises these troops should be disbanded "forthwith" (an emphatical word), without any measures taken, or even entered upon, to replace them; without any promise of supplies; without any limitations, to shew to all the world you do not mean a censure of the general measure: said to be a question of advice. It is a question of disapprobation. Always one of those who thought the entering into this expensive quarrel the least of two evils. The attention of the House must not therefore be diverted by little considerations. Will not enter into the suggestions of partiality: knows not what is meant by them; nothing appears to this House as the groundwork of a Resolution. Ought to be on our guard against clamour: bodies of men very tender of the respect which is shewn to them: these stories easily make impression: every man that hears them is a party, and what they want in truth and force is made up by a willingness to believe them: a little spark will light up a great flame where the matter is combustible.—Touches on foreign considerations; the passing this question will be to tie up the hands of 22,000 men from acting. What detriment to the cause of Europe, &c. Is the dissatisfaction of the army to controul a matter of state? Has a great regard for individuals, but this House ought to remember we have had Remonstrances from the army. If they are to determine with what troops they shall act, they may dislike their pay, their quarters, their destination; may be a private reason to weigh in the king's councils, but not to be avowed in the House of Commons. Speaks of the particular facts mentioned; scarcely to be treated seriously. Popular prejudices of this kind not new: King William's army jealous of like partialities to the Dutch: Though he had delivered the nation, and steadily pursued its interests through his reign, they were the cause of continual obstructions.

Mr. *Doddington.* Touches the same topics with Mr. Pitt: Public notoriety sufficient foundation for this House: English officers received with coldness. Endeavours to make out from what he has heard a charge of partiality. This question not to be put on a personal footing.

Lord *Cornbury.* This question taken up at an improper season: reserves himself to give his opinion against that time. Observes this spirit concerning partiality prevails amongst the better sort of people: distinct from popular clamour.

Mr. *Knight* against.

Mr. *Foster* for.

Mr. *Sandys* opened little new matter.

Mr. *Grenville.* An acquaintance of his was told by a French minister, that the English would not serve with the Hanoverians, and the war become unpopular by that means: will never rest until the electoral are separated from the regal dominions.

Thomas Winnington. It may introduce great confusion into our proceedings to debate questions in the House which ought to be considered in the committee of supply: unprecedented. The hon. gentleman (viz. Doddington) is for avoiding personalities, and yet has stated a charge and gone through the articles of it. Desires to know on whom that reflects. Observed the expression, "the English of-

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than as the most abject slaves, even that empty title they would be stript of, and their territory would be converted into a province of the French empire. Our royal family, like that of Macedon, might, for some time, be left in possession of their throne; but if any one of our future princes should endeavour to shake off his dependency, a powerful invasion would be the certain consequence; and if France were sole mistress of the continent of Europe, or had it entirely at her command, our natural barrier would prove ineffectual: She would then come up against us with such a power as we could not oppose, either by sea or land: our royal family would be cut off; our noble and great families would be all carried captives into France; and Britain would, from thenceforth, be divided, and governed by French intendants or lieutenants, as Macedonia was by Roman prætors or proconsuls.

This consequence was foreseen, Sir: this consequence all Europe was sensible of in the last age: I wish I could say the same of the present; but, by what fatality I know not, the present age seemed, a few months ago, to be struck with such a

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ficers received with coldness." Is that personal? Believes a French minister might say what was imputed to him, and no doubt would say this was the best question that ever was brought into the House. Recapitulates some of the former arguments.

Mr. *Doddington* explains what he meant concerning the charge, that the Hanoverian officers were not friendly to the English.

Winnington. If the hon. gentleman meant that the English officers complained they were received coldly by the Hanoverians, it is a delicacy they will not care to own.

Mr. *Lyttleton.* It is said we should stay until these troops were asked: then it may be too late: if the plague were near us, should we take no precautions, but wait its coming? Alexander disgusted his faithful Greeks by wearing the Persian robe (alluding to the yellow sash.)

Mr. *Oglethorpe.* Against the question.

Sir *J. Cotton* for it. To get rid of the Hanover yoke will be difficult.

Mr. *H. Walpole.* A ministry of twenty months continuance more severely treated than one of twenty years:—laughs in his sleeve at that circumstance, but serious upon the question. Thinks if this Address passes, considering its consequences, we shall be subject to a yoke which is not a name, the yoke of France. Very dangerous to trust either Saxony or Cologne; the one has a daughter, queen of Naples, the other is brother to the emperor. May order their troops not to act on some occasions, unless terms dishonorable in other respects are granted. Those who understand treating, know it is impossible to get other troops in time. The duke of Marlborough procured a general to be sent into Spain, with whom he could not agree. Insinuates that some such method may be used with regard to the Hanoverians; but if we slacken, the Dutch will withdraw, and the French will take more in one winter, than you can regain in three summers.

G. Grenville warmly for the question.

Thos. Pitt determined on the debate to vote against the motion.

Mr. *Noel.* Thinks it better for the House to advise the crown in this matter on a generally allowed suggestion of jealousies, than on an enquiry into particulars which may prove of the most dangerous consequence. Is for the measure in general, but thinks this national discontent must be given way to. Afraid of acting with a disunited army, not an addition of strength but of danger.

Adm. *Vernon* talks of the sugar colonies and the marine.

Dr. *Lee* states the question.

The division against the question 231
For it - - - - - - - - - - 181
Majority - - - - - - - - 50

From the event of this question, the court reckoned themselves sure of a considerable majority upon that which was esteemed the most critical and delicate point of the session: but it happened in this affair, as it does in most others which have raised great discontent and clamour without doors, that several gentlemen, who usually concurred with the administration, either out of an affectation of popularity, or a real apprehension that very bad consequences would attend the taking the Hanoverian troops again into pay, fell off from their friends and voted with the minority. It is said, that the opposition have entrusted the direction of their conduct in parliament, this session, to a committee of six for the sake of secrecy. This anti-ministerial cabinet consists of Doddington, Pitt, sir J. Cotton, sir Watkin W. Wynn, Waller and Lyttleton.

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blindness as prevented their seeing this danger, though it was never more apparent. Several of the princes of Europe, governed by a private selfish interest, had actually joined with France in pulling down the House of Austria, though that was the only power, upon the continent of Europe, that could, by itself, pretend to limit or set bounds to the ambitious views of France. By this means the queen of Hungary was environed with such numerous hostile armies as it was impossible for her to resist for any long time, and the confederacy against her was so powerful, that no counter-confederacy equal to it could be formed. This, I shall grant, was, in some measure, owing to her own unseasonable obstinacy, as well as to the selfish views of some of her enemies; for, however unjust she might think their pretensions, in common prudence she should, upon the death of her father, have yielded to those that were the most moderate, in order to enable her to resist those who were so immoderate as to aim at the total overthrow of her House.

This, Sir, was, from the beginning of the present troubles, his majesty's advice to her; but this prudent advice she would not, for a long time, give the least ear to; and this not only united her enemies amongst themselves, but increased the views and demands of each, which reduced his majesty to the fatal necessity of waiting till her obstinacy should be softened, and the eyes of some of her enemies opened by time and future accidents. This he was obliged to do before he could openly declare in her favour, or assist her in any other shape than by granting her sums of money; but this he did with a steady design to take advantage of every accident that might happen; and the behaviour of the French in Germany, especially about the time of the battle of Crotzka, was such as furnished him with an opportunity which he wisely took care to lay hold of, and to make the best use of it he could; whereby he prevailed upon both the kings of Prussia and Poland to withdraw themselves from the French alliance, and to make peace with the queen of Hungary, upon terms which (her obstinacy being now overcome by time and mature consideration) she readily agreed to.

By this prudent conduct of his majesty it became now possible to form such a confederacy in Europe as might, with some hopes of success, endeavour to oppose the ambitious designs of France; and to give courage to the other powers of Europe to enter into such a confederacy, he resolved to send a body of his British troops to Flanders, in order to have a numerous army formed there, which, before the end of the campaign, raised such terrors in France as prevented their sending sufficient reinforcements to their troops already in Germany, and likewise prevented their joining the Spaniards with such armies as might have overwhelmed the king of Sardinia, or compelled him to desert the alliance he had before, by his majesty's interposition, entered into with the queen of Hungary. At the same time proper orders were given to his majesty's admirals in the Mediterranean to prevent the Spaniards from sending any reinforcements or provisions by sea to their army in Italy, and our squadron there was reinforced and instructed so as to enable it to execute those orders against whosoever should dare to abet the Spaniards in any such attempt.

By these means, Sir, the queen of Hungary was, before the end of the campaign, restored to the possession of Bohemia, Westphalia was freed from the burden and terror of a French army, and the Spaniards were, during the whole campaign, defeated in every attempt they made against Italy: but there were two things still remaining to be done; which were, to drive the French entirely out of Germany, and to establish, upon a more solid basis, the alliance of the king of Sardinia, in order to drive the Spaniards entirely out of Italy; for which purpose it was requisite to obtain the hearty concurrence of the Dutch. These things were to be the work of the next campaign, and therefore, as early as the season would permit, the army which had been formed in Flanders marched into Germany, and his majesty not only joined it with a considerable body of his electoral troops, but went in person to command the army, and by his valour and conduct, chiefly, the glorious victory at Dettingen was obtained, which compelled the French to evacuate Germany, and not only put the queen of Hungary in possession of all Bavaria, but opened a free passage for her armies to the Rhine; so that France, from being the invader of the dominions of others, had now enough to do to defend her own.

Whilst his majesty was thus triumphing over the arms of France in the field, he equally triumphed over her counsels in the cabinet; for, notwithstanding the utmost

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efforts of France to the contrary, he prevailed with the Dutch to send a body of 20,000 men to the assistance of the queen of Hungary, and a definitive treaty of alliance was concluded at Worms, between his majesty, the queen of Hungary, and the king of Sardinia, by which the alliance and assistance of that prince was established upon a firm basis; and experience has already shewn the great use it may be of to us, in defeating the designs of our enemies the Spaniards in Italy, which will convince that haughty nation of its being necessary for them to cultivate a good correspondence with Great Britain, if they have a mind to be quiet in their own possessions, or to disturb the possessions of any of their neighbours.

These great and unexpected events, Sir, have been all brought about by the wisdom and vigour of his majesty's counsels, and therefore we cannot in gratitude omit taking notice of them upon this occasion. I was very sensible that there were many gentlemen in this House, who could have set them in a clearer light, and recommended them to your consideration with greater energy, than I can; but I knew your affection and duty to your sovereign, and the lustre of those events was in itself so refulgent, that I thought it required no high degree of eloquence to excite your grateful acknowledgments; therefore I ventured to undertake the task, and hope I shall be forgiven my arrogating to myself the honour of moving for its being resolved, "That an humble Address be presented to his majesty, to return his majesty the thanks of this House for his most gracious Speech from the throne; to congratulate his majesty upon his safe and happy return to this kingdom, after the dangers to which his sacred person has been exposed, in defence of the common cause, and of the liberties of Europe; to acknowledge his majesty's regard and attention to the advice of his parliament, in exerting his endeavours for the preservation of the House of Austria; to congratulate his majesty on the success of his arms, in the prosecution of this great and necessary work, with so much glory to his majesty and honour to this nation; to assure his majesty, that nothing could be more welcome to his faithful Commons, than to hear, that he was joined by a body of the troops of the states general, whose interests and those of this country are inseparable; to declare our satisfaction in his majesty's having concluded a definitive treaty between his majesty, the queen of Hungary, and the king of Sardinia; which alliance must naturally contribute to the advantage of the common cause, and to the disappointing and distressing the crown of Spain, with which this nation is engaged in so just and necessary a war; to congratulate his majesty on the happy marriage of her royal highness the Princess Louisa with the Prince Royal of Denmark, and on the increase of his majesty's royal family by the birth of a prince; to assure his majesty, that we will, with the greatest zeal, unanimity, and dispatch, grant to his majesty such effectual supplies as shall be found requisite for the honour and security of this nation, and as may enable his majesty to concert such alliances, and pursue with vigour such measures, as may be necessary for re-establishing the public tranquillity, and procuring a safe and honourable peace."

The Hon. *Philip Yorke*:*

Sir; the hon. gentleman has given you such a full, and, at the same time, such a concise deduction of the great events that have been brought about by his majesty's wisdom and conduct, and you must all be so sensible of the late happy change in the affairs of Europe, that, were it in my power, I think it unnecessary to add any thing upon that subject; but though great things have been done, there yet remain greater things to be done, before the tranquillity of Europe can be restored, and its liberties established upon a solid foundation; and as this nation, under his majesty's prudent direction, has had a great share in what has been done, so it must have a great share in what remains to be done, as it must always have whenever the liberties of Europe are brought into any danger. The king of Sardinia has already joined heartily in the support of the common cause, and the Dutch have contributed a little assistance; but the latter must be prevailed on to act with more vigour, and other powers must be brought into the confederacy, before we can suppose ourselves able to defeat entirely the present ambitious views of France, or to compel that aspiring nation to agree to such terms of peace, as may secure us against a future attack upon the same quarter.

For accomplishing these great ends, Sir, nothing can contribute more than a true

* See the Preface to the present Volume.

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harmony between his majesty and his parliament, and an hearty unanimity amongst ourselves; and the sooner this is manifested, the more certainly, the more effectually, it will influence the counsels of those princes or states who are now balancing what share, perhaps, which side, they shall take in the present troubles of Europe; therefore, I hope, what my hon. friend has proposed will meet with no objection in this House; for the least appearance of disunion amongst ourselves, may, at this juncture, be of the most fatal consequence; because it will discourage those who are inclined to assist the queen of Hungary from giving her any assistance, since they know, that without the hearty and united concurrence of this nation it could be of no effect; and it may determine those that are at present indifferent to embrace the opposite side; nay, it may determine both the Dutch and the king of Sardinia to consider only their present safety, and to accept of a neutrality, which, we know, would be readily granted.

I am sensible, Sir, that against the Address proposed the common objection may be made, of its being too particular and containing a sort of approbation of all the measures pursued by our ministers; but to this there is a common and ready answer, that our complaisance to the crown upon any such occasion, is never understood to be a forestalment of our judgment when the measures of the administration are brought fully and regularly before us. By the custom of parliament, which I may now call immemorial, we think ourselves obliged, in duty to our sovereign, to return a proper Answer, in our Address, to every thing that has been mentioned in his Speech from the throne; and as we cannot then be convinced in a parliamentary way, that any thing has been done amiss by our ministers, we have, for many years, thought ourselves at liberty to make use of the utmost complaisance to the crown, without thinking ourselves thereby engaged to approve of any one measure of the administration, when their measures are brought regularly under our enquiry. Whether I approve of this custom, or whether I approve of our late measures, is not a question which I think myself obliged now to determine; but, I am sure, I cannot, at present, with any sort of authority, say, that our measures have been wrong; and as to the custom, whether it be right or wrong, the present is not, I am sure, a proper time for altering it; because foreign courts would, from thence, suppose that we disapproved of the measures his majesty has lately taken, and consequently that he would be disabled from prosecuting the same measures any further. This would, of course, throw all the friends of the queen of Hungary into the utmost despair, and it would revive the now drooping spirits of her enemies, which would be of the most fatal consequence to the liberties of Europe, and consequently to those of this nation; for whatever interest we may have in restoring the House of Austria to its former grandeur and power, it is certainly inconsistent with our safety, to see that House absolutely reduced, and the House of Bourbon parcelling out the kingdoms and provinces upon the continent of Europe, according to her own liking; because, I believe, there is nothing more certain than that the partition, if not the conquest, of the British kingdoms and plantations would be the next grand design she would undertake.

Thus, Sir, it is manifest that our disagreeing to the Address proposed may be attended with the most fatal consequences; whereas our agreeing to it can subject us to no inconvenience or danger; and that the more unanimously it is agreed to, the more we shall strengthen his majesty's hands, the better we shall enable him to re-establish the balance of power by a safe and honourable peace; therefore, I think it unnecessary to add any thing more, but conclude with seconding the motion made by my hon. friend.

Mr. *William Pitt*:

Sir; from what is now proposed we may see, that whatever change we have got, or may get, with respect to our foreign measures, by the late change in our administration, the nation is to expect no change with respect to our domestic affairs. In foreign affairs I shall grant we have felt a very remarkable change: from one extreme our administration have run quite to the utmost verge of the other; our former minister betrayed the interest of his country by his pusillanimity, our present sacrifices them by his Quixotism: our former minister was for negociating with all the world, our present is for fighting against all the world: our former minister was for agreeing to every treaty, though never so dishonourable; our present will give ear to no treaty, though never so reasonable. Thus both appear to be extravagant, but with this difference,

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that by the extravagance of our present the nation will be put to a much greater charge than ever it was by the extravagance of our former.

It must therefore be allowed, Sir, that by a change of a few men in our administration, we have got a change of measures so far as relates to foreign affairs; but with respect to our domestic affairs, we have met with no change in our measures: we can now, I think, expect none. The same screening, the same plundering, the same prodigal spirit prevails: the same criminal complaisance is expected from parliament; and to purchase that complaisance, we may depend on it, the same corrupt, extravagant, and dangerous means will be made use of. They have, I am convinced, been already practised, otherwise no minister could expect that a British House of Commons would cram their Address to their sovereign with so many fulsome panegyrics upon the conduct of his ministers. I say, Sir, no minister could expect such complaisance: for I hope the hon. gentleman who made the motion, will excuse me, if I suppose it was put into his hands by the minister; and if he thinks he has acquired honour by making such a motion, I promise him I shall never envy him the acquisition.

The hon. gentleman who spoke last was in the right, when he said, that at the beginning of the session we could know nothing, in a parliamentary way, of the measures that had been pursued; I believe we shall know as little, in that way, at the end of the session as we do at the beginning for I am persuaded our new minister will in this, as well as in every other step of his domestic conduct, follow the example of his predecessor, by getting a negative put upon every motion that may tend towards our acquiring any parliamentary knowledge of our late measures. But if we have no knowledge of them, surely it is as strong an argument for our not approving, as it can be for our not censuring; and if nothing relating to our late measures had been proposed to be inserted in our Address upon this occasion, I should not now have taken the least notice of them; but whether I have any parliamentary knowledge or no, when an approbation is proposed, it lays me under a necessity to make use of the knowledge I have, whatever it may be, in order to determine whether I am to join or not in the approbation proposed. Suppose I had no knowledge of any of our late measures, but what I have gathered from foreign and domestic news-papers, even that knowledge I must make use of, when I am obliged to give my opinion of them; and if from that knowledge I think them wrong, I ought surely to refuse joining in any thing that may look like an approbation: nay this refusal I ought to persist in, till the minister be pleased to furnish me with such parliamentary knowledge as may convince me that I have been misinformed. This, I say, ought certainly to be my conduct, when, from the knowledge I have, I find more reason to condemn than approve of any late measure; but suppose that, from the knowledge I have, I find more reason to approve than condemn, yet even in that case I ought not to approve, unless my knowledge be such as may authorise that approbation; and as no sort of knowledge, but a parliamentary knowledge, can warrant a parliamentary approbation, for this reason alone I ought to refuse it; so that if what is now proposed contains any sort of approbation, our refusing to agree to it, is not a censure upon any past measure, it is only a declaration, that we have not such a knowledge of past measures as may be a sufficient foundation for our approving them in a parliamentary way, which is a declaration none but those who are admitted into the innermost recesses of the cabinet can refuse to make; and as we have not now, I believe, any such in this House, therefore every gentleman here ought to join in such a declaration, by giving his negative to this proposition now before us, if it be such a one as contains an approbation of our late measures; and that it is so, no gentleman who attends to the words of it can make the least doubt of.

Sir, it is not only an approbation of all that our ministers have advised, but an acknowledgment of the truth of several facts, which, upon enquiry, may appear to be false; or at least they are such as we have seen no proof of, nor have any proper authority to assert. Suppose it should appear that his majesty was exposed to few or no dangers abroad but what he is daily exposed to at home, such as the overturning of his coach, or the stumbling of his horse, would not the Address proposed be an affront, and an insult upon our sovereign instead of being a compliment? Suppose it should appear, that our ministers have shewn no regard to the advice of parliament, and that they have exerted their endeavours not for the preservation of the House of Austria, but for involving that

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House in dangers which it might have otherwise avoided, and which, I believe, it will hardly be possible for us to avert: suppose it should appear that, though a body of Dutch troops marched to the Rhine, they never joined our army; suppose it should appear, that the treaty with Sardinia is not yet ratified by all the parties concerned, or that it is such a one as cannot be performed: if these things should appear, upon an enquiry, would not such an Address as this appear very ridiculous? What assurance have we that all those facts may not appear to be as I have supposed? For as the king's Speech from the throne is always, in this House, considered as the speech of the minister, it can never be allowed to be a proof upon which we ought to found any resolution.

What I have said, Sir, will shew, that even though we had reason to conclude, from such knowledge as we may have accidentally acquired, that all our late measures were right, and that all the facts to be mentioned in our Address were exactly true, yet we ought not to express any sort of approbation, because we have as yet no parliamentary knowledge, which, as I have said, is the only knowledge that can authorize a parliamentary approbation: but when the contrary happens to be the case; when we have great reason to conclude, from every sort of knowledge we have hitherto acquired, that our late measures were fundamentally wrong, that facts have been misrepresented to us, and that we may, very probably, have reason to condole what we are now desired to congratulate, how cautious ought we to be of saying any thing in our Address, that may look like an approbation, either of the measures, or the methods that have been taken to prosecute them?

In order to shew, Sir, that this is really the case, I must begin with the turn which the affairs of Europe took upon the death of the late emperor. Upon that emergency, I shall grant, that it was the interest of this nation to have had the queen of Hungary established in the possession of all her father's dominions, and her husband, the duke of Lorrain, chosen emperor. This was our interest, because it would have been the best security for the preservation of the balance of power; but this was our only interest, and it was an interest we had in common with all the powers of Europe, except France. We were not, therefore, to take upon us the sole support of this interest; and therefore, when the king of Prussia attacked Silesia, and the king of Spain, the king of Poland, and the duke of Bavaria, laid claim to the late emperor's succession, we might then have seen, that the establishment of the queen of Hungary in all her father's possessions was become impossible, especially as the Dutch refused to interfere any other way than by their good offices. What then ought we to have done? Since we could not preserve the whole, is it not evident that, in order to engage some of the claimants on our side, we ought to have advised her to yield up a part? This we ought to have insisted on, and the claimant, whom we ought first to have thought of taking off, was, certainly, the king of Prussia; both because his claim was the smallest, and because he was one of the most natural, as well as one of the most powerful allies we could treat with. For this reason we ought certainly to have advised the queen of Hungary to have accepted of the terms offered by the king of Prussia when he first invaded Silesia: Nay, we ought to have insisted on it as the condition of our assisting her against any of the other claimants. If we had done this, the court of Vienna must, and would have agreed to it; and in this case, whatever protestations the other claimants might have made, the queen of Hungary would to this day, I believe, have remained the undisturbed possessor of all the rest of her father's dominions, and her husband, the duke of Lorrain, would now have been in possession of the imperial throne.

Did we, at that time, pursue this salutary measure? No, Sir, the contrary appears not only from our Gazettes, but from our parliamentary knowledge: for, from the papers that have been either accidentally or necessarily laid before parliament, it appears, that, instead of insisting upon the court of Vienna's agreeing to the terms offered by Prussia, we rather encouraged them in their obstinacy, not only by our memorials, but by his majesty's speech to his parliament, the addresses of both Houses thereupon, and by flaming speeches made by our courtiers against the king of Prussia. What I mean is, his majesty's Speech on the 8th of April, 1741, the famous Addresses made upon that occasion for guarantying the dominions of Hanover, and the grant of 300,000*l.* for enabling his Majesty to support the queen of Hungary. Every one must remember the flaming speeches

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made upon that occasion by some favourites at court against the king of Prussia; and every one must remember, that the queen of Hungary was not then, nor for some months after, attacked by any one prince in Europe, except the king of Prussia; therefore the court of Vienna could not but suppose that both the court and nation of Great Britain were resolved to support her, not only against the king of Prussia, but *contra omnes mortales*; and consequently we have no reason to be surprised at that court's shewing an unwillingness to part with such a rich plentiful country as those lordships of Silesia claimed by the king of Prussia.

This, I say, Sir, was sufficient to confirm the queen of Hungary in her obstinacy; but this was not all. We had not only promised her our assistance against the king of Prussia, but we had actually begun a negociation for a powerful alliance against that prince, and for parcelling out his dominions amongst the allies. We had solicited not only the queen of Hungary, but also the Dutch and the Muscovites to enter into this alliance, and we had been at the expence to take both the Danes and the Hessians into the pay of Great-Britain for the use of this alliance: Nay, even Hanover put itself to a great expence upon this occasion, by making an augmentation of near one third to the army it had on foot, which, I believe, was the first extraordinary expence it was put to, ever since its happy conjunction with England, notwithstanding the great acquisitions it has since made, and the many expensive broils England has been involved in upon the sole account of that electorate. Therefore if the queen of Hungary shewed any thing like obstinacy with regard to the claims of Prussia, we may easily perceive at whose door that obstinacy ought to be laid, and to them only the misfortunes which afterwards befel that princess ought most justly to be imputed. Whilst the French seemed resolved not to interfere in the affairs of Germany, it was easy to promise her our assistance; it was safe to engage in schemes that might contribute to her support, as well as to the enlargement of the dominions of Hanover, because Prussia was not certainly an equal match for the queen of Hungary alone, and much less for the queen of Hungary supported by Hanover and the whole power of Great-Britain. During this posture of affairs, I say, it was safe for us, that is to say, it was safe for Hanover, to promise and to concert schemes for the support of the queen of Hungary; but as soon as France began to appear, our schemes were all dropt, and our promises forgot; because then it began to be unsafe for Hanover to engage in the affair, and England surely is never to mind any promises, or engage in any schemes, that may possibly bring Hanover into any danger or distress.

From this time, Sir, we thought no more of assisting the queen of Hungary, except by those grants which were made to her by parliament. These, indeed, our ministers did not oppose, because they are sure of making, some way or other, a job of every grant made by parliament; but from the use that was made, or rather the no use that was made, of the Danish and Hessian troops, notwithstanding their being continued in British pay, and from the insult tamely suffered by our squadron in the Mediterranean, we must conclude, that our ministers, from the time the French began to interfere, resolved, and were, perhaps, afterwards engaged, to give the queen of Hungary no assistance either by sea or land. Thus, after having led that princess upon the ice, by our promises, we left her there to shift for herself; by which means the duke of Bavaria came to be chosen emperor, and the House of Austria was stript of a great part of its dominions, and in the utmost danger of being stript of all, if France had inclined it should have been so; but this was what saved the House of Austria. France had a mind to have the power of that House reduced, but had no mind to see it absolutely ruined; because the power of the duke of Bavaria, then emperor, would have been raised to a higher pitch than was consistent with the French scheme, which was to make the princes of Germany ruin one another as much as possible, and then to make such a partition as should render the Houses of Bavaria, Austria, Saxony, and Prussia, pretty near equal; in which case it is highly probable, and the French have not since scrupled to say, that the king of Prussia's share would not have been so large as it has since been made.

This prevented the French from sending such a powerful army into Germany as they might have done; and by the bad conduct of the generals they sent there, and the good conduct of the queen of Hungary's generals, together with the bravery of her troops, her affairs in Ger-

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many took a new turn just about the time of the late change in our administration; which brings me to the origin of the measures that are now carrying on; and therefore I must consider the posture of the affairs of Europe at that particular time, that is, in February, 1742: but, before I begin, I must lay this down as a maxim, which this nation ought always to observe, that though it be our interest to preserve a balance of power in Europe, yet, as we are the most remote from danger, we ought always to be the least susceptible of jealousy, and the last to take the alarm; and, with regard to the balance of power, I must observe, that this balance may be supported either by having one single potentate capable of opposing and defeating any ambitious design of France, or by having a well-connected confederacy, sufficient for the same purpose: of these two, I shall grant, that the first is the most eligible when it can be had, because it may be most securely depended on; but when this cannot be had, the whole address of our ministers and negociators ought to be employed in establishing the second.

The wisdom of my first maxim, Sir, must be acknowledged by every one who considers, that when the powers upon the continent apply to us to join with them in a war against France, we may take what share, and what sort of share, in the war, we think fit; whereas, when we apply to them, they will prescribe to us in both; and whatever art some gentlemen may make use of to frighten themselves, or to frighten others, when it serves their purpose, with the dependency of all the powers of Europe upon France, we may rest secure, that as often as they are in any real danger of being brought under such a dependency, they will unite among themselves to prevent it, and will call upon us for assistance: nay, if they should be imperceptibly brought under such a dependency, they would, as soon as they perceived it, unite among themselves, and call upon us to join with them in a confederacy against France, in order to enable them to shake off that dependency; so that we can never be obliged to stand single and alone in supporting the balance of power, nor shall we ever have occasion to call upon our neighbours on the continent to join with us for such a purpose, unless when our ministers, for some by-ends of their own, pretend dangers which have no real foundation; for Europe is now in a very different situation from what it was in the time of the Romans. Every country in Europe was then divided into so many sovereignties, that it was impossible for the people of any one country to unite among themselves, and much more for two or three large countries to unite in a general confederacy against the overgrown power of the Romans; whereas this is now practicable, it has been practised, and always may be practised, as often as France, or any other power in Europe, discovers a real design to enslave the rest.

This brings me, Sir, to what I have already observed, that the balance of power in Europe may be preserved by a confederacy, almost as securely as it can be by setting up any one power as a rival to the power of France: and now let me examine which of these two methods we ought to have thought on in February, 1742. The imperial diadem was then gone from the House of Austria; and though the queen of Hungary's troops had met with some success in the winter, she was still stript of a great part of the Austrian dominions, so that the power of that House was much inferior to what it was at the time of the late emperor's death, and still more inferior to what it was in the year 1716, when we thought it necessary to add Naples and Sicily to its former acquisitions, in order to make it a match for the power of France. Besides this, there was then a most powerful confederacy against that House, and no jealousy subsisting amongst the powers of Europe, of the ambitious designs of France; for, though that court had assisted in pulling down the House of Austria, they had discovered no design of increasing their own power or dominions. But, on the other hand, by the haughty behaviour of the court of Vienna, and the height that House had been raised to, a jealousy had arisen, amongst the princes of Germany, of the overgrown power of that House; which jealousy had first manifested itself in the House of Hanover, and was at this very time subsisting, not only in the House of Hanover, but also in most of the sovereign Houses of Germany. In these circumstances it was impossible for our ministers, however wrong-headed we may suppose them, to think of restoring the House of Austria to its former grandeur and power, or of setting that House up again as a match for the power of France; because, in such a scheme, they must have seen that they would not be cordially assisted by any power in Eu-

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rope, and that they would be opposed, not only by France and Spain, but by all the princes of Germany and Italy, who were jealous of the power of the House of Austria.

In these circumstances, what was this nation to do? What ought our ministers to have done? Since it was impossible to re-establish the balance of power in Europe, upon the single power of the House of Austria, surely, Sir, it was our business to think of restoring the peace of Germany as soon as possible by our good offices, in order thereby to establish a confederacy sufficient for opposing France, in case that court should afterwards discover any ambitious views. It was not now so much our business to prevent the lessening the power of the House of Austria, as it was our business to bring about a speedy reconciliation among the princes of Germany, and to take care that France should get as little by the treaty of peace, as she said she expected by the war. This, I say, ought to have been our chief concern, because the preservation of the balance of power was now no longer to depend upon the sole power of the House of Austria, but upon the joint power of a confederacy then to be formed; and till the princes of Germany were reconciled among themselves, there was scarcely a possibility of forming any such confederacy. If we had made this our scheme, the Dutch would have joined heartily in it: The Germanic body would have joined in it; and the peace of Germany might have been restored without putting this nation to any expence, or diverting us from the prosecution of our just and necessary war against Spain, in case our differences with that nation could not have been adjusted by the treaty for restoring the peace of Germany. But our new minister, as I have said, run into an extreme quite opposite to that of the old: our former minister thought of nothing but negociating when he ought to have thought of nothing but war; and this minister thought of nothing but war, or, at least, the resemblance of it, when he ought to have thought of nothing but negociation. A resolution was taken, and preparations were made, for sending a body of our troops to Flanders, even before we had any hopes of the king of Prussia's deserting his alliance with France, and without our being called on to do so by any one power in Europe: I say, Sir, by any one power in Europe; for I defy our ministers to shew, that even the queen of Hungary desired any such thing before it was resolved on: I believe some of her ministers were free enough to declare, that the money those troops cost us, would have done her much more service; and, I am sure, we were so far from being called on by the Dutch to do so, that it was resolved on without their participation, and the measure carried into execution, I believe, expressly contrary to their advice.

This resolution, Sir, was so far from having any influence upon the king of Prussia, that he continued firm to his alliance with France, and fought the battle of Crotska, after he knew it was taken; and if he had continued firm in the same sentiments, I am very sure our troops neither would nor could have been of the least service to the queen of Hungary; but the battle of Crotska fully convinced him, that the French designed chiefly to play one German prince against another, in order to weaken both; and, perhaps, he had before then discovered, that, according to the French scheme, his share of Silesia was not to be so considerable as he expected. These considerations, and not the eloquence or address of any of our ministers, inclined him to come to an agreement with the queen of Hungary; and as she was now convinced, that she could not depend upon our promises, she readily agreed to his terms, though his demands were now much more extravagant than they were at first, and what was worse, they were now unaccompanied with any one promise or consideration, except that of a neutrality; whereas his first demands were made palatable by the tender of a large sum of money, and by the promise of his utmost assistance, not only in supporting the Pragmatic Sanction, but in raising her husband, the duke of Lorrain, to the imperial throne: Nay, he even insinuated, that he would embrace the first opportunity to assist in procuring her House an equivalent for whatever part of Silesia she should yield up to him.

This accommodation between the queen of Hungary and the king of Prussia, and that which soon after followed between her and the duke of Saxony, produced a very great alteration in the affairs of Europe; but as they promised nothing but a neutrality, and as the Dutch absolutely refused to join either with the queen of Hungary or us in any offensive measures against France, it was still impossible for us to think of restoring the House of Aus-

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tria to such power as to render it a match for the power of France; therefore we ought still to have thought of nothing but negociation in order to restore the peace of Germany by an accommodation between her and the emperor; and the distresses which the French and Bavarian armies in Germany were drove to, furnished us with such an opportunity as we ought, by all means, to have embraced, and to have insisted upon the queen of Hungary's doing the same, under the pain of being entirely deserted by us. A peace was offered both by the emperor and the French upon the moderate terms of *uti possidetis*, with respect to Germany; but, for what reason I cannot comprehend, we were so far from advising the queen of Hungary to accept, that, I believe, we advised her not to accept of the terms offered.

This, Sir, was a conduct in our ministers so very extraordinary, so directly opposite to the interest of this nation, and the security of the balance of power, that I can suggest to myself no one reason for it, but their being resolved to put this nation to the expence of maintaining 16,000 Hanoverians; and this, I am afraid, was the true motive our new ministers had at first for all the warlike measures they resolved on. Nothing would now satisfy us but a conquest of Alsace and Lorrain, in order to give it to the queen of Hungary as an equivalent for what she had lost; and this we resolved on, or at least pretended to resolve on, at a time when France and Spain were in close conjunction, at a time when no one of the powers of Europe could assist us, at a time when none of them entertained any jealousy of the ambitious designs of France, and at a time when most of the princes of Germany entertained such a jealousy of the power of the House of Austria, that we had great reason to apprehend the whole Germanic body, or at least the most considerable princes of Germany, joining against us, in case we should meet with any success. Sir, if our ministers were really serious in this scheme, it was one of the most romantic that ever entered into the head of any English Don Quixote; and if they made this only a pretence for putting this nation to the expence of maintaining 16,000 Hanoverians, or of acquiring some new territory for the electorate of Hanover, I am sure, no British House of Commons ought to approve of their conduct.

It is ridiculous to say, Sir, that we could not advise the queen of Hungary to accept of the terms offered by the emperor and France, when their troops were cooped up in the city of Prague, because those terms were offered with a view only to get their troops at liberty, and to take the first opportunity to attack her with more vigour. This, I say, is ridiculous, because if she had accepted of the terms offered, she might have had them guaranteed by the Dutch, by the Germanic body, and by all the powerful princes of Germany, which would have brought all these powers into a confederacy with us against the emperor and France, if they had afterwards attacked her in Germany; and all of them, but especially the Dutch and the king of Prussia, would have been ready to have joined with us, if the French had attacked her in Flanders. It is equally ridiculous to say, that she could not accept of these terms, because they contained nothing for the security of her dominions in Italy; for suppose the war had continued in Italy, if the queen of Hungary had been safe upon the side of Germany, she could have poured in such a number of troops into Italy, as would have been sufficient for opposing and defeating all the armies that both the French and the Spaniards could have sent to and maintained in that country, since we could, by our superior squadrons, have made it impossible for the French and Spaniards to maintain great armies in that country. No reason can, therefore, be assigned for the queen of Hungary's refusing the terms offered her for restoring the tranquillity of Germany, but this alone; that we had promised to assist her so effectually as to enable her to conquer a part of France, by way of equivalent for what she has lost in Germany and Italy; and such an assistance it is neither our interest, nor in our power, to give, as the circumstances of Europe stand at present. I am really surprized how the queen of Hungary came to trust a second time to our promises; for I may venture to prophesy, that she will find herself a second time deceived. We shall only put ourselves to a vast needless expence, as we did when she was first attacked by Prussia; and may give France a pretence for conquering Flanders, without raising any jealousy in the other powers of Europe, which otherwise she could not have done; or we may bring the queen of Hungary a second time to the verge of destruction, and leave her there; for that we shall certainly do, as soon as Hanover

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comes to be a second time in danger. From all which I must conclude, that our present scheme of politics is fundamentally wrong, and that the longer we continue to build upon such a foundation, the more dangerous it will be for us: the whole fabric must tumble at last, and may crush this unfortunate nation under its ruins.

But now, Sir, let us see how we have prosecuted this scheme, bad as it is, during last campaign. As this nation must bear the chief part of the expence, it was certainly our business to prosecute the war with all possible vigour, to come to action as soon as possible, and to push every advantage to the utmost. Since we soon found we could not attack the French upon the side of Flanders, why were our troops so long of marching into Germany? Or, indeed, I should rather ask, why our army was not at first assembled in that country? Why did they continue so long inactive upon the Maine? If our army was not numerous enough for attacking the French, why were the Hessians left behind for some time in Flanders? Why did we not send over 20,000 of those regular troops that were lying idle here at home? How to answer all these questions I cannot tell; but it is certain that we never thought of attacking the French army in our neighbourhood, and, I believe, expected very little to be attacked. Nay, I doubt much if any action would have happened during the whole campaign, if the French had not, by the misconduct of some one or other of our generals, caught our army in a hose-net, from which it could not have escaped, if the French generals had all observed the directions of their commander in chief, and had thought only of guarding and fortifying themselves in the defiles through which it was necessary for our army to pass, instead of passing those defiles, and marching up to attack our troops. Thank God, the courage of some of the French generals got the better of their discretion, as well as their military discipline. This made them attack, instead of waiting to be attacked, and by the bravery of the English foot, and the cowardice of their own, they met with a severe repulse, which put their whole army into confusion, and obliged it to retire with precipitation over the Maine, by which our army escaped from the snare they had been led into, and got free liberty to pursue their retreat to Hanau.

This, Sir, was a signal advantage; but did we push this advantage? Did we pursue the enemy in their precipitate retreat over a great river, where many of them must have been lost, had they been closely pursued? Did we endeavour to take the least advantage of the confusion they had been thrown into by their unexpected repulse? No, Sir, the ardour of our British troops was restrained by the cowardice of the Hanoverian; and instead of pursuing the enemy, we ourselves ran away in the night time, and in such haste, that we left all our wounded to the mercy and care of the enemy, who had, likewise, the honour of burying our dead as well as their own. This action may, therefore, on our side, be called a lucky escape; but I shall never give my consent to honour it with the name of a victory.

After this escape, Sir, our army was joined by a very large reinforcement. Did this revive our courage, or give us any better stomach for fighting? Not a bit, Sir; though the French continued for some time upon the German side of the Rhine, we never offered to attack them, or to give them the least disturbance. At last, upon prince Charles's approach, with the Austrian army under his command, the French not only repassed the Rhine, but retired quite out of Germany; and as the Austrian army and the allied army might then have joined, and might have both passed the Rhine without opposition at Mentz, or almost any where in the Palatinate; it was expected, that both armies would have marched together into Lorrain, or in search of the French army, in order to force them to a battle; but instead of this, prince Charles marched up the German side of the Rhine to do what? To pass that great river in the sight of a French army equal in number to his own, which, without some extraordinary neglect in the French, was impracticable; and so it was found by experience; so that the whole campaign, upon that side, was consumed in often attempting what as often appeared to be impracticable.

On the other side, I mean that of the allied army, was there any thing done of consequence? I know of nothing, but that of sending a party of hussars into Lorrain with a manifesto. The army, indeed, passed the Rhine at Mentz, and marched up to the French lines upon the frontier of Alsace, but never offered to pass those lines till the French had abandoned them, I believe, with a design to draw our army again into some snare; for upon the French returning again towards those lines

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it retired with much greater haste than it had advanced, though the Dutch auxiliaries were then come up, and pretended at least to be ready to join our army; though as I have heard, they found a pretence for never coming into the line; and I doubt much if they would have marched with us to attack the French army in their own territories, or to invest any of their fortified places; for I must observe, that the French lines upon the Queich were not, as to some part of them, within the territories of France: But suppose this Dutch detachment had been ready to march with us to attack the French in their own territories, or to invest some of their fortified places, it could have given me no joy, and therefore I cannot join in any congratulations upon that event; for a small detachment of Dutch troops can never enable us to execute the vast scheme we have undertaken: the whole force of that republic would not be sufficient for that purpose, because we should have the majority of the empire against us; and therefore, if the Dutch had joined *totis viribus* in our scheme, instead of congratulating, I should have bemoaned their running mad by our example, and at our instigation.

Having now briefly examined our conduct during last campaign, from the few remarks I have made, I believe, Sir, it will appear, that supposing our Scheme to be in itself possible or practicable, we have no reason to hope for success, if it be not prosecuted with more vigour, and better conduct, than it was during last campaign. While we continue in the prosecution of this scheme, the Hanoverians, indeed, will be considerable gainers, let whoever will be the loser; because they will draw 4 or 500,000*l.* yearly from this nation, over and above what they have annually drawn from us, ever since they have had the good fortune to be united with us under the same sovereign. But we ought to consider, even the Hanoverians ought to consider, that this nation is not now in a condition to carry on an expensive war for ten or twelve years, as it did in the reign of queen Anne. We may fund it out for a year, two, or three; but we are now so much in debt, that if we go on for a few years, adding millions to it every year, our credit will certainly at last, I am afraid sooner than some amongst us imagine, be blown up; and if this misfortune should happen to us, neither Hanover, nor any other foreign state, would be able to draw a shilling more from us. A stop to our public credit would put an end to our paper currency: an universal bankruptcy would ensue, and all the little ready money left amongst us would, by the happy possessors, be locked up in iron chests, or hid in by-corners. It would then be impossible to raise our taxes, and consequently impossible to maintain either fleets or armies. Our troops abroad would be obliged to enter into the service of any prince that could maintain them, and our troops at home would be obliged to live upon free quarter: nay, this they could not do long; for the farmer would neither sow nor reap if he found his produce taken from him by the starving soldier. In these circumstances, I must desire the real friends of our present happy establishment to consider, what might be the consequence of the Pretender's being landed amongst us at the head of a French army. Would not he be looked on by most as a third saviour? Would not the majority of the people join with him, in order to rescue the nation from those that had brought it into such confusion?

This danger, Sir, is, I hope, one of those that may be called imaginary; but, I am sure, it is far from being so imaginary, as that we have been frightened with in this debate, of all the powers upon the continent of Europe's being brought under such a slavish dependence upon France, as to join with that nation in conquering this island, or in bringing it under the same slavish dependence with themselves.

I had almost forgot, Sir, to take notice of the famous treaty of Worms; and I wish after-ages may never take notice of it. I wish it could be erased out of our annals as well as records, so as never to be hereafter mentioned; for that treaty, with its appendix, the convention that followed it, is one of the most destructive, unjust, and ridiculous treaties we ever made. By that treaty we have taken upon ourselves a burden, which I think impossible for us to support; and we have engaged in such an act of injustice towards the republic of Genoa, as must alarm all Europe, and give the French a signal advantage; for from thence all the princes of Europe will see what regard we have to justice, where we think we have power; and therefore most of them will probably join with France in curtailing our power, or at least in preventing its increase. The alliance of Sardinia, and his assistance, may, I admit, be of great use to us in defeating the

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designs of the Spaniards in Italy; but gold itself may be bought too dear; and, I am afraid we shall find the purchase we have made to be at last but a precarious bargain, especially if Sardinia should be attacked by France as well as Spain, which will be the certain consequence of the scheme of politics we are now pursuing. For these reasons, Sir, I hope, no gentleman, nor even any minister, will expect, that I should declare my satisfaction in that treaty's being concluded.

It is very surprising, Sir, to hear gentlemen talk of the great advantage of unanimity in our proceedings, when, at the same time, they are doing all they can to prevent unanimity. If the hon. gentleman had intended that what he proposed should be unanimously agreed to, he would have returned to the ancient custom of parliament, which some of his new friends have so often, upon former occasions, recommended. It is a new doctrine, to pretend, that we ought, in our Address, to return some sort of answer to every thing mentioned in his majesty's Speech. It is a doctrine that has prevailed only since our parliaments began to look more like a French than an English parliament; and now we pretend to be such enemies to France, I expected, we should have laid aside this doctrine. The very method of proceeding in parliament must shew this doctrine to be false. His majesty's Speech is not now so much as under our consideration: we never do take it into consideration, but upon a previous order for that purpose; therefore we cannot now, properly, take notice of its contents, any further than to determine, whether we ought to return thanks for it or no; for even this is what we may refuse, without being guilty of any breach of duty to our sovereign; but this, I believe, no gentleman would have thought of, if the hon. gentleman, who made you this motion, had not tacked to it a long and fulsome panegyric upon the conduct of our ministers. I am convinced, no gentleman would have objected against our expressing our duty to our sovereign, and our zeal for his service, in the most strong and affectionate terms; nor would any gentleman have refused to congratulate his majesty upon any fortunate event's happening to the royal family; and the hon. gentleman would have desired no more, if he had intended that his motion should be unanimously agreed to; but as ministers are generally the authors and drawers-up of the motion, they always have a greater regard for themselves than for the service of their sovereign; and this is the true reason why such motions seldom meet with an unanimous approbation.

As for the danger, Sir, of our returning, or not returning to our ancient custom upon this occasion, I think it lies wholly upon the side of our not returning. I have shewn, that the measures we are now pursuing are fundamentally wrong, and that the longer we do pursue them, the heavier our misfortune will be: unless some signal providence intervenes, experience, I am sure, will confirm what I say. By the immediate intervention of Providence, we may, it is true, succeed in the most improbable schemes; but Providence seems to be against us, and for our punishment has suffered us to embark in projects that may undo us: the sooner, therefore, we repent, the better it will be for us; and unless repentance begins in this House, I shall expect it no where else, till dire experience has convinced us of our being in the wrong. For this reason, I hope, and I wish, that we may now begin to put a stop to the farther prosecution of these destructive and dangerous measures, by refusing them our approbation. If we put a negative upon this question, it may awaken our ministers out of their deceitful dream: If we agree to it, they will dream on, till they have dreamed Europe and their country, as well as themselves, into perdition. If they stop now, the nation may recover; but if by such a flattering Address we encourage them to go on, it may soon become impossible, either for them, or us, to retreat; and therefore, for the sake of Europe, as well as my country, I shall most heartily join in putting a negative upon this question.

Mr. *Thomas Winnington:*

Sir; the spirit of opposition has, of late years, become so prevalent in this House, that unanimity is never to be expected. If the hon. gentleman had proposed nothing but thanks to his majesty for his most gracious Speech from the throne, I doubt much if it would have met with an unanimous approbation: I am persuaded some objection would have been made to it, or some amendment or addition offered, in order to give gentlemen an opportunity to display their rhetoric in running down the measures of the administration: But, thank God! the insignificancy of opposition, when not founded on solid and right principles, is now as well

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known abroad, as it is at home; and, to our good fortune, if the proposition be but agreed to by a majority, the opposition it may meet with, can have no effect upon, nor any way disconcert, the measures which his majesty is pursuing, for the freedom and security of Europe in general, and of this nation in particular. Therefore, if, by what I am to trouble you with upon this occasion, I do but gain a majority, I shall give myself no concern, if I fail of gaining an unanimous approbation.

As to the ancient method of addressing, I am really surprised to hear it so much insisted on, when the reason for our changing our method of addressing has been so often and so clearly explained. In ancient times our sovereign, in his speech from the throne, communicated no knowledge to his parliament, either of what had been done, or of what was to be done: his speech was only a short compliment to the two Houses, and to the chancellor it was left to give a state of our affairs abroad and at home, and to explain to the parliament the king's wants, and his reasons for calling them together. Whilst this custom continued, our address, by way of answer to the king's speech, could be no more than a general compliment; for neither House, in their address to the throne, could take notice of what had been delivered to them from the wool-sack. But since the Revolution, our kings have, most justly, shewn more regard to their parliaments, and have themselves, at the beginning of every session, done what was formerly left to be done by the lord chancellor.

This, Sir, introduced necessarily a change in our method of addressing; for, in good manners, we were obliged to take some sort of notice of every thing our sovereign had mentioned in his speech from the throne; and upon such occasions, it has always been the custom to suppose the facts to be true as stated in the king's speech, without derogating however from our power or freedom to enquire into the truth of them, after having all the lights laid before us that we might think necessary for a full enquiry; and if, upon such enquiry, any of the facts appear to be untruly or unfairly stated, no supposition, no expression we had made use of in our address, could prevent or obstruct our calling those to account who had advised their sovereign to express himself in such a manner. When we enter upon any such enquiry, the speech is supposed to be the speech of the ministers, and we may treat it with the same freedom as if it had been actually made by one of them: which shews, that nothing that is now proposed, or, indeed, that can be proposed, upon any such occasion, can be attended with any inconvenience, because it can be no bar to a future enquiry, nor can it have the least influence upon any of our future proceedings; and as his majesty has been graciously pleased, upon this occasion, to give us a very particular account of the present state of our affairs, we have now the same reason for continuing the modern custom, that our forefathers had for leaving the ancient.

For this reason, Sir, if there were any facts mentioned in his majesty's Speech, which might admit of a doubt, it could be no argument against our agreeing to what is now proposed; but that there are none such, is, I think, next to a demonstration. When we consider, that his majesty was last campaign at the head of the allied army; that that army was in the greatest confusion and distress, and in a very dangerous situation when he arrived; that, in order to get out of that situation, they were obliged to march along the side of a river, whose opposite side was covered with the enemy's troops and batteries; that, in this march, they were for many hours cannonaded from the enemy's batteries, and, as has been acknowledged, in the greatest danger of being caught in a snare; and that, by his majesty's conduct, and the bravery of the troops, they every where repulsed the enemy, and extricated themselves from the snare: I say, Sir, when we consider these things, can we doubt of his majesty's sacred person's having been in the most extraordinary and imminent danger? Can we, in common decency, omit taking this opportunity to congratulate his safe return, after having been exposed to such danger? This therefore is a fact that cannot be in the least questioned, and therefore I am surprised to hear any objection made to our mentioning it in our Address.

As to the success of his majesty's arms, Sir, it is a fact equally certain. Suppose it true, that our army was led into a snare by misconduct, before they had the good fortune of his majesty's presence among them; if they extricated themselves afterwards from that snare, by repulsing and defeating the enemy, was it not a success? Call it an escape, if gentlemen will

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have it so, yet still it must be allowed to have been a successful escape; and it was a glory to his majesty to lead them out of a snare which they had been led into before his arrival in the army: it was an honour to the nation to have their troops deliver themselves by their bravery from a misfortune which they had been led into by accident, or, perhaps, by human weakness.

Then, Sir, with regard to the Dutch troops, surely it will not be doubted, that a body of Dutch troops marched up to our army upon the Rhine: Whether they encamped in a line with the allied army or no, it is certain they were there: it is certain they were ready to assist our army, if it had been attacked by the French: it is certain they marched with our army, and passed the French lines upon the Queich; and, considering the nature of the Dutch government, and the strong French party in that republic, even this step, in them, must be a great satisfaction to every Englishman; for surely it could not be expected, that they would declare themselves principals, when we acted only as auxiliaries.

And lastly, Sir, with regard to the definitive treaty between his majesty, the queen of Hungary, and the king of Sardinia, that such a treaty has been concluded is a fact, I believe, that will not be questioned; and that the assistance of the king of Sardinia will contribute to the advantage of the common cause, and to the distressing of the Spaniards in Italy, is, likewise, a fact that can be as little questioned; so that there is no fact mentioned in this proposition that can be in the least doubted, much less contradicted; and as to the wisdom of the facts, or the measures mentioned in this proposition, it is not desired that we should so much as insinuate an approbation. We congratulate his majesty on his safe return, after being exposed to such danger; but we do not say it was right to advise him to expose himself to such danger: we congratulate him on the success of his arms, but we do not say, that they might not, by good conduct, have met with more success: we say, we are pleased to hear, that his majesty was joined by a body of Dutch troops, but we do not say, that he might not have been joined by a greater body, or sooner by that body, if proper measures had been used. We declare our satisfaction in the definitive treaty with the king of Sardinia, but we are not desired to say any thing of the terms of that treaty; nor are we desired to say, that it might not have been purchased at a cheaper rate.

Thus, Sir, it is evident, that by what is now proposed, we do not acknowledge, or, indeed, mention any fact that can be in the least doubted, nor do we so much as insinuate an approbation of any late measure; and, therefore, I do not think there is any absolute necessity, upon this occasion, for my saying any thing in vindication of our measures or conduct; but as so much pains has been taken to shew, that our measures were fundamentally wrong, and that our conduct, in the prosecution of them, has been bad, I hope I shall be excused endeavouring to justify both.

The preservation of the House of Austria, and in that the balance of power, is a measure which has, ever since the Revolution, been judged necessary for this nation to pursue, and was never opposed till it was found to be adopted by our ministers. As soon as the queen of Hungary was attacked by the king of Prussia, this measure was recommended to his majesty, not only by the parliament, but by the universal cry of the people; and whilst the imprudence, or, if you will, the obstinacy of the court of Vienna, and the indifference of those who are equally at least with us, if not more engaged in interest to support her, made it impossible, or at least very dangerous, to engage openly in her quarrel, no objection was ever made to this measure; but, on the contrary, very loud complaints were made against the pusillanimity of our government, and the neutrality agreed to by Hanover became a common topic of ridicule. During this interval, no man ever supposed or suggested that the balance of power could be supported any other way than by the support of the House of Austria; but as soon as it was known, that a large body of our troops were ordered to prepare for going abroad, and that our government had resolved to engage openly and vigorously in the support of that House, those very gentlemen, who had before declared so openly in favour of this measure, began to exclaim against it, and to represent it as an arrant piece of knight-errantry.

From hence, Sir, we may plainly see the true spirit of opposition, and the maxim by which it is generally governed. The public good has but seldom any share in its councils, and, consequently, is never made the rule for judging whether a measure be

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right or wrong. The only question is, whether it be a measure which our ministers seem resolved to pursue. If it is, it must be wrong: if it is not, it must appear to be right in the eyes of every man who has a mind to be thought a true friend to the opposition. This, Sir, is the criterion, and, I am afraid, the only criterion by which most gentlemen judge of public measures, till such time as his majesty thinks fit to give them some share in the administration; and from hence we may easily see the reason why the support of the House of Austria was formerly so strongly recommended, and why it is now so much decried; but I hope to be able to shew, that it is now as unreasonably decried, as it was before unseasonably recommended.

When the king of Prussia's attack upon Silesia was first communicated to his majesty by the queen of Hungary, we were under no engagement, nor was it our interest to declare openly and immediately in favour of either. It was certainly both our interest and duty to employ first our good offices, and if in them we should fail of success, we were then to declare against that party who should appear to be the most obstinate and unjust. This, I say, was both our interest and duty, and this was what his majesty resolved on, as appears from his answer to the queen of Hungary's letter; but this was a point which, at that juncture, it was necessary to handle in the most delicate manner. We knew the inclinations of the court of France towards this nation, by the part they had acted in the war between Spain and us, and especially by the squadron they had sent to the West Indies, and the instructions they had privately given to that squadron. We from thence knew, that they wanted only an opportunity to declare openly in favour of Spain against us; and that nothing prevented their declaring openly, but their fear of our being able to form a powerful confederacy upon the continent against them.

In this situation, Sir, we were obliged to manage with our utmost dexterity, both the courts of Vienna and Berlin, in order to prevent either of them being provoked to throw themselves headlong into the arms of France. If we had talked to the queen of Hungary in the language some gentlemen insist on we should: if we had peremptorily told her, that we would give her no assistance, unless she agreed to the terms offered by Prussia, it would, very probably, have provoked her to accept of the terms offered her by France, and to join with the two powerful nations of France and Spain in a confederacy against us, which would have drawn after it such a number of the powers of Europe, as would have made any sort of opposition or resistance on our part impossible.

On the other hand, Sir, if we had immediately declared against the king of Prussia: if we had made use of none of our good offices for procuring an accommodation between him and the queen of Hungary, but had joined with the queen of Hungary in prescribing a peremptory law to him, under pain of being reduced by force of arms in case of disobedience, it would not only have thrown him into the arms of France, but would have raised such a jealousy in the other powers of Europe, as might have induced most of them to join with France and Prussia against the queen of Hungary, and us, her only ally.

Between these two extremes his majesty wisely chose the middle course, which was to sound the inclinations of our friends the States General, and to join his good offices with theirs in endeavouring to bring about a reconciliation between the courts of Berlin and Vienna. Though he promised his assistance in case of necessity to the latter, he never ceased to remonstrate how dangerous it would be to force the former into the arms of France, and how necessary it was for the common safety of Europe to prevent such an unnatural conjunction. This will appear from the whole tenour of the memorials and other papers that passed between our court and that of Vienna; and as copies of them have been long upon our table, I think it unnecessary to recite the particular passages, because, I suppose, they have been again and again perused by every gentleman in the House.

But, Sir, when his majesty found that no accommodation could be brought about by his good offices, he considered how far he was bound by his engagements with the court of Vienna, and by them, it is certain, he was bound to assist the queen of Hungary against Prussia, or any other power that should attack her without provocation. This was the occasion of his majesty's Speech to his parliament on the 8th day of April, 1741, and of the grant then made to his majesty for enabling him to support the queen of Hungary, and the

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liberties and balance of power in Europe. Considering the preparations making in France, and the open declarations made by Spain and Bavaria, it was, perhaps, imprudent in the court of Vienna to neglect engaging the king of Prussia on their side, by giving him satisfaction with respect to his demands upon Silesia, even supposing they had no just foundation; but the imprudence of that court did not free us from the engagements we were under. It was a most just reason for our not engaging, or not doing any thing that might engage us, as principals in a quarrel, which their imprudence had made desperate; but it was no reason for our refusing to give them any assistance, after we had, by first making use of our good offices, prevented the other powers of Europe from conceiving any jealousy or resentment, either against us or our ally the queen of Hungary.

I shall not presume to say, Sir, nor can I determine, which of the two courts of Vienna or Berlin, were most guilty of obstinacy or injustice; but this I will say, that we were under stricter engagements with the former than we were with the latter; and it was more safe for us as well as more honourable, to venture forcing the king of Prussia into the arms of France, by giving the queen of Hungary some assistance, than to risk forcing the latter into the arms of France, by a total neglect of the most solemn engagements; because, if the other powers of Europe, who were equally engaged with us, had shewn a true regard to their engagements; a confederacy might have been formed against the House of Bourbon, though joined by Prussia; whereas no confederacy could have been formed against the House of Bourbon, if it had been joined by the House of Austria. But the other powers of Europe shewed such an indifference, that it was impossible for us to form any confederacy against the House of Bourbon, either before or after it was joined by Prussia, which made it unsafe for us to assist the queen of Hungary, any other way than by granting her sums of money, towards enabling her to make a stand, till such time as the other powers of Europe, and, perhaps, some of the confederates of France, should open their eyes so as to see the gulph into which they were going to plunge themselves as well as the rest of Europe.

By viewing the affairs of Europe in this light, which is the only true one, we may see the true reason, and we must approve of his majesty's conduct from the time of the late emperor's death to the end of the year 1741, when the unexpected success of her Hungarian majesty's arms began to render her affairs less desperate, and consequently, to render it less imprudent for this nation to act more openly and more boldly in her favour; for even though Prussia had remained firm to his alliance with France, yet the augmentations the Dutch had made to their army, the good disposition that appeared in the king of Sardinia, and the success of the Muscovites against the Swedes, together with the wisdom and vigour that appeared in the queen of Hungary's councils, gave us well-grounded hopes, that a confederacy might be formed sufficient for opposing the utmost force of France and all her allies; and though it could not then be proposed to restore the House of Austria to the same power it was possessed of in the time of the late emperor, yet it was certainly the interest of Europe, and the interest of this nation in particular, to preserve the power of that House as entire as possible.

I say, Sir, it was in particular the interest of this nation to preserve, as entire as possible, the power of the House of Austria. Nay, I will go farther, I will say, that this is more the interest of this nation than of any other in Europe; and my reason for saying so is, that whilst the House of Austria possesses any dominions in the Netherlands, in Swabia, or in Italy, it must be a rival to the House of Bourbon; and as we have more to fear from that House of Bourbon, and less to fear from the House of Austria, than any nation in Europe can have, therefore we are more than any other nation in Europe concerned in preserving the power of the House of Austria. Gentlemen may talk of our being the most remote from the danger that may accrue from the overgrown power of the House of Bourbon, but I am of a very different opinion. So far from being the most remote, I am fully convinced, that, after the House of Austria, we are the very next to the danger; and that after reducing the power of the House of Austria, and stripping it of its dominions in the Netherlands, Swabia, and Italy, the trade, the navigation, and perhaps the liberties and religion of this nation, would be the very next sacrifice to the ambition of the House of Bourbon. Whilst it is in our power to form such an alliance upon the continent as may attack the House of

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Bourbon with a formidable land army, they will always be cautious of attacking us; because, whilst they are in danger of being vigorously attacked at land, they can never form such a navy as will be sufficient for attacking us at sea; but if France, Spain, and Sicily, were once freed from any danger of being attacked by land, they would, in a few years, be able to form such a navy, as would enable them to attack us at sea; and if they should once become our masters at sea, their numerous land armies would soon make them our masters at land, both in our plantations in America, and even in Britain and Ireland.

This, Sir, would be the effect of its being out of our power to form such an alliance upon the continent as might attack the House of Bourbon with a formidable army at land, in case of their making any attack upon us; and if the power of the House of Austria were very much reduced, or if that House were stripped of all its dominions in Italy, and upon the confines of France, how could we form such an alliance? The House of Austria would then cease being any more a rival to the House of Bourbon, and would consequently give itself very little concern about the alliance or friendship of this nation: the empire would be split into so many parties, and governed by such different interests, that we could never expect any alliance or effectual assistance from thence; and the present imperial family must continue to be so much influenced by French councils, that we shall always have reason to dread their joining with France against us, rather than to hope for their joining with us against France.

I shall grant, Sir, that the powers upon the continent, especially those whose dominions border upon, or lie near to the frontiers of France, may be more easily attacked, and more speedily made a prey to the ambition of that aspiring nation, than this country can be supposed to be; but the French very well know, that they must not give a full scope to their ambition, as long as either the House of Austria, or Great Britain, has any power to oppose them; because either the one or the other will always serve as a basis upon which a confederacy may be formed, which will be sufficient for defeating their ambitious designs. For this reason, after they have once reduced the power of the House of Austria, their next attempt will certainly be against us, for which they can never want a plausible pretence, on account of the perpetual jarring interests of the two nations; and though the lesser powers of Europe would be ready to accept of our assistance, and to form themselves into a confederacy under our banner, upon France's attacking any of them, yet we should find it very difficult, if not impossible, to draw a sufficient number of them into a confederacy, upon France's attacking us, without discovering a design against any of them; from whence I must conclude, that the interest, and even the safety of this nation, is more nearly and more closely connected with the interest and safety of the House of Austria, than most gentlemen imagine, and much more than some gentlemen will at present admit.

This, Sir, will, I think, justify our being the first to embrace the cause of the queen of Hungary with vigour, as soon as we saw there were any hopes of our being able to do it with success; and the event will, I hope, shew, that the design was far from being romantic. I am sure nothing has yet happened that can furnish the least shadow of reason for its being called so. On the contrary, ever since we began to act with vigour, almost every month has produced an argument against its being thought so. The defection of Prussia and Saxony were the first fruits of our bold and generous design. Whether that defection was owing to our address and management, I shall not pretend to determine; but this I may with some confidence say, that whatever disobligations the king of Prussia met with from the French, whatever discoveries he made of their selfish designs, he would not have abandoned their alliance, and, consequently, their friendship, without our interposition; because he neither could, nor would have trusted to any concessions offered to him by the court of Vienna, if those offers had not been accompanied with a tender of our guaranty; and if the king of Prussia had remained firm to the French alliance, I believe we should have found it very difficult to draw off the king of Poland.

The next fruits, Sir, of our beginning to act with vigour, was the shutting up of the French army in Prague, the recovery of Bohemia, and the almost total reduction of Bavaria, which brought both the French and the emperor to offer such terms to the queen of Hungary as they would before have rejected with scorn; but as their

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offers plainly appeared to be insidious; as they tended only to make the queen of Hungary give up all the advantages which the success of her arms had procured her, without receiving any advantage or any security in return, she was certainly in the right to reject them: if our ministers advised her to do so, they were in the right; and if they had advised otherwise, I believe she would have desired their excuse; for whatever some gentlemen in this House may think, I believe she is above being dictated to by this, or any other court in Europe.

But this argument, Sir, I shall pursue no farther, because, as the terms then offered by France and the emperor were never laid before this House, we can argue with no certainty or propriety upon them. If they related only to the affairs of Germany, as has been commonly reported, it is certain they could not be so much as the foundation for a general peace. The only consequence would have been a suspension of arms for two or three years in Germany, where it was most difficult and dangerous for the French to carry on the war. In the mean time, they would have been left at liberty to attack and to conquer the queen of Hungary's dominions in Flanders and Italy, and if they had met with success in these two places, which they probably would, the emperor would have been ready to have joined them in renewing the attack upon the queen of Hungary in Germany, when his assistance would have been of more consequence than it can be at present; for after having had two or three years to establish himself in the imperial throne, and to make use of those prerogatives which are annexed to the imperial diadem, he would have had a much greater influence in the empire than he can have at present, and might, perhaps, have been able to obtain a decree of the diet against the queen of Hungary, if she had refused to give him satisfaction as to his claims, none of which were to be renounced by the terms then proposed.

I hope I have now shewn, Sir, that our measures have been fundamentally right, ever since the death of the late emperor: that it was wise, and even necessary for us to give the queen of Hungary some assistance, after we found our good offices ineffectual, in order to prevent her being forced into the arms of France: that it would have been very unsafe, and, consequently, imprudent in us, to have given her such an assistance as might have involved ourselves in her quarrel, as long as her affairs continued under a desperate aspect: that it was right in us to assist her openly and vigorously, as soon as there appeared the least hopes that our assisting her in such a manner might be attended with success; and that it is for our interest, and even necessary for our immediate safety, to support the House of Austria, if possible, though we should not be joined by any other power in Europe. These have been our measures, and in the prosecution of them it will be easy to justify every part of our conduct.

As soon as the success of the queen of Hungary's arms in Germany had rendered it safe and prudent for us to act vigorously in her favour; as soon as the wisdom of her counsels, the conduct of her generals, and the bravery of her troops, had shewn that it was possible to restore her affairs, notwithstanding the number of her enemies, his majesty resolved to engage in the generous design; but to facilitate the execution of this design, it was necessary to bring in the Dutch and the king of Sardinia, and to take off the kings of Prussia and Poland. With regard to the Dutch, every one knows they were divided into two parties, one of which I shall call the Austrian, and the other the French party: the former were for joining with us in vigorously supporting the queen of Hungary, and the latter for doing nothing that might provoke France, or rather for agreeing to a neutrality. These were the maxims of the two parties, and the latter supported their maxim with the danger they were in, upon the side of Flanders, in case they should provoke France to attack them. The king of Sardinia wanted to have a part of the Milanese yielded to him by the queen of Hungary, and to be secured against being overpowered by the troops of France and Spain: and the kings of Poland and Prussia wanted to have some concessions made to them by the queen of Hungary in Bohemia and Silesia, to have those concessions guaranteed by some of the principal powers of Europe, and to be secured against the resentment of France and the emperor. From these circumstances it is evident, that the first thing we had to resolve on, was to form as powerful an army as we could in Flanders, and to render our squadron in the Mediterranean superior to any thing that the French and Spaniards could fit out against it.

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By forming an army in Flanders, Sir, we deprived the French party in Holland of their chief argument against joining vigorously with us for the support of the queen of Hungary; and as the French were in danger of having some part of their frontier invaded by that army, it was the most effectual way we could take for obliging them to keep their regular troops at home, and preventing their being able to send any great number of them to the assistance of the emperor in Germany, or the Spaniards in Italy. If we had sent 50,000 men to have joined the queen of Hungary's troops, either in Germany or Italy, it would have been much more inconvenient and expensive to us, and would not have distressed the French so much as the forming of such an army upon their frontier; because, in the former case, the French could easily have sent an equal number of men to the assistance of their allies in either of these countries, by withdrawing the regular troops from their frontier garrisons, and replacing them with militia: whereas, in the latter, they could not trust to their militia, and consequently were obliged to keep their frontier places fully garrisoned with regular troops, at the same time that they were obliged to keep an army of regular troops upon their frontier, equal, at least, to the army which we had formed there. It was not absolutely necessary for our army in Flanders to enter directly upon action; their being posted there, and kept ready to enter upon action, had as good an effect for the purposes for which that army was designed, as if it had immediately entered upon action. And a proper reinforcement being sent to our squadron in the Mediterranean, and proper assurances given to the king of Sardinia, these two measures, together with the necessary concessions from the queen of Hungary, which we were previously assured of, very soon produced almost all the effects that could be expected, and gave that turn to the affairs of Europe, which even the greatest enemies to our ministers must and do admit to be both happy and surprising.

From what I have said, Sir, it will be easy to answer all the questions stated by the hon. gentleman, who spoke last. Our army was not at first assembled in Germany, because in Flanders it was of more service to the common cause. It did not march sooner into Germany, because, till the Austrian army began to approach the Rhine, it could be of no service there. It continued inactive upon the Maine, because, by its being posted there, it produced the same effect, as if it had attacked and beat the French army upon that river; that is to say, it prevented the French from sending any reinforcement to their distressed army in Bavaria; and however sure we may think ourselves of victory, no man will say it is prudent to venture a battle, if the same effect can be obtained without running any such risk. If we had attacked and defeated the French army upon the Maine, we could not have pursued them into their own dominions, till the Austrian army came up to our assistance; whereas, if we had met with a defeat, the consequence might have been fatal to the queen of Hungary's affairs in Germany. It was therefore the business of the French to attack our army upon the Maine, if they found they could do it, with any hopes of success; but it was very far from being our business to attack them, or so much as to think of it so long as we could, without risking a battle, prevent their sending such a reinforcement into Bavaria as might have given a turn to their affairs in that country; and this consideration, without knowing any thing of the situation of the place, or the circumstances of the two armies, will answer for our not pursuing the blow we gave them when they attacked us at Dettingen.

It is very certain, Sir, that in that attack they met with a most severe check, and, I believe, a most unexpected repulse; but if I have been rightly informed, their retreat was not precipitate, nor did they march off in any great confusion: they formed again, and fronted our army before they repassed that river; and as they had a great number of fresh troops upon the other side, and two or three bridges of communication, if we had pursued them, it would certainly have brought on a new engagement, which might have turned out to our disadvantage, and this it was not our business to run the risk of, for the reason I have already assigned; because, as I have said, our obtaining a most complete victory could have been attended with no great advantage, whereas our meeting with a defeat might have occasioned most fatal consequences.

The same reason, Sir, may be given for our not attempting any thing afterwards, till prince Charles with his army approached towards us; and why the two armies did not join and pass the Rhine together at Mentz, may, I think, be easily account-

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ed for, if we consider that a great part of Swabia, especially that bordering upon the Rhine, belongs to the queen of Hungary. If the Austrian army had marched so low as Mentz, it would have exposed all her dominions in Swabia to have been plundered and destroyed by the French from Alsace, and might have furnished them with an opportunity of penetrating again as far as Bavaria, which would have rekindled the war in that country. For this reason, I suppose, it was resolved, that prince Charles, with the Austrian army, should march up the Rhine, and endeavour to pass that river, in order to attack Alsace, whilst the allied army passed the Rhine at Mentz, and made a diversion upon the side of the Palatinate. This, I say, I suppose to have been the reason why the two armies did not march and pass the Rhine together at Mentz, and as I was not in the secret, nor had any concern in the conduct of the last campaign, I shall not pretend to say, that this was true, and much less that it was the only one; but after the two armies were thus separated, and a very great river, as well as a great distance, between them, every one must see, that the allied army, even after it was joined by the Dutch, could attempt nothing of consequence, till such time as the Austrian army under prince Charles should pass the Rhine; and as that army could not accomplish their design, this was the true reason why nothing more was done during the last campaign.

Having now, I hope, Sir, fully justified our conduct, as well as our measures, I think I need not say much in vindication of the Treaty of Worms. If it was necessary to gain the assistance of the king of Sardinia, it was as necessary to secure the continuance of that assistance, as long as the danger continues; and if we consider how deeply our own honour is concerned, in preventing its being possible for the Spaniards to succeed in Italy, as long as they are in open war with us, no man will say, we have purchased the assistance of the king of Sardinia at too dear a rate. As for what relates to the republic of Genoa, I am surprized to hear it called an act of injustice. Can there be any act of injustice in a fair purchase? Is the republic, by that treaty, to be forced to sell; or are they to be forced to sell at a lower price than they think reasonable? No such thing, Sir; if that republic has not a mind to part with Finale at the price that should be offered, the king of Sardinia must go without it, and must have a compensation some other way; so that there is nothing in that treaty but what is just, nothing but what is reasonable, and, considering our present circumstances, nothing but what is absolutely necessary for the preservation of our own honour as well as for the preservation of the House of Austria.

I shall now conclude, Sir, with begging pardon for troubling the House with this long discourse in vindication of our measures and conduct, as I said before, it is what has properly nothing to do in this debate; but as the hon. gentleman, who spoke last, was pleased to find fault with both, I was afraid his objections, if they remained unanswered, might have had weight with some gentlemen, so far as to prevail with them to give their negative to this question; and though I give myself very little concern about its being unanimously approved of, yet I earnestly wish it may be approved of by a majority, because, I think, that not only the liberties of Europe, but those of my country, depend upon that approbation; and therefore, I hope, the House will not only indulge me in the pardon I ask, but agree with me in giving an affirmative to the question.

Mr. *George Lyttelton:*

Sir; the hon. gentleman began with giving us a reason why he gave himself very little concern about gaining the unanimous approbation of this House; because, said he, the spirit of opposition has of late years become so prevalent amongst us, that unanimity is never to be expected; and that, therefore, if a question be carried by a majority, be it never so small, the opposition it meets with can have no effect upon our foreign measures. I shall grant, Sir, that our ministers have of late years given themselves very little trouble about gaining the unanimous approbation of this House, or the general approbation of the people. And I shall likewise grant, that the opposition can have very little effect upon our foreign measures, because our ministers seem to be in the same condition abroad, they are at home: They seem to have no friends but those they purchase, and such will certainly continue their friends as long as they can pay them their wages, and no higher wages can be had from any other undertaker. But I cannot admit, that the spirit of opposition is

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of late years become more prevalent in this House than ever it was in former times, nor can this be suggested by any gentleman who has studied our history, and speaks sincerely what he thinks. There are many bills and motions now agreed to as things of common course, which in former ages would not only have been violently opposed, but scornfully rejected; and the load of debts and taxes this nation groans under, is a melancholy proof, that the spirit of opposition has not of late years been so brisk as it ought to have been; for from history I cannot discover, that the nation has, within this last century, been exposed to greater foreign danger, than ever it was in any former century; and if it was exposed to no greater danger, no good reason can be assigned for its having put itself to any greater expence. The cause, indeed, may be easily assigned; for money quenches the spirit of opposition, as naturally as water quenches fire; and our ministers having of late years had much more money at their disposal than they ever had before, they have therewith so slackened the spirit of opposition, that instead of taking care not to supply fuel, they have thought, and have been permitted to think, only of providing themselves with water; for which purpose they have, for this last century, been continually running the nation into, or keeping it engaged in unnecessary broils; because the more public money is raised and expended yearly, the more they have annually at their disposal.

The hon. gentleman, in the progress of his discourse, was pleased, Sir, to have another touch at the opposition, and to give us a sort of definition of a true opposer; in lieu of which, I shall give him a definition of a true courtier: A true courtier is a gentleman who throws aside all regard for the public good, and never thinks of the right or wrong of a public measure, but whether it be such as the king and his prime minister, for the time being, (who the minister is signifies nothing to him) seem resolved to pursue. If it is, he employs his talents in all companies, and in all places, in proving it to be right: If otherwise, he is at equal pains to demonstrate its being wrong. Now I will not say but that there are many such gentlemen as both he and I have described: Perhaps there may be some in this House. If there are, I wish, that every other gentleman would mark them out, and shew a regard accordingly to what they say. And I must observe, that at present our true courtiers, of any standing, are in a most despicable situation; for every argument they can bring for justifying our present measures, must be a satire upon our measures for twenty years past, and a contradiction to what they themselves have formerly advanced in justification of those measures. The true opposers, as the hon. gentleman described them, that is to say, those who constantly opposed till the king thought fit to give them a share in the administration: such gentlemen, I say, have in this an advantage of our true courtiers; because they are not now obliged to contradict themselves, and to employ all their chicane in proving that to be right, which they have for twenty years been proving to be wrong.

After these remarks, Sir, upon what the hon. gentleman was pleased to say about opposition, I shall come to the question now under our consideration, and I must begin with declaring my surprise, how any gentleman could conceive, and much more how any gentleman can assert, that in former times the king's speech at the beginning of a parliament was never any thing but a short compliment to the two Houses, when it is so evident, both from our history and records, that the fact is directly otherwise. In former times, especially in the reigns of James and Charles the First, the king's speech upon such occasions was much longer than it is now. Even in the reigns of Charles and James the Second, their speeches were longer, and more particular, than any speech I have ever heard from the throne; but in those times, neither House thought itself obliged, either in duty or good manners, to echo back the king's speech paragraph by paragraph. This is but a late invention of our ministers, and introduced by them for no other reason but to procure a side-wind approbation of their measures at the beginning of each session of parliament, which, whatever may be pretended, they afterwards make use of as an argument for preventing gentlemen joining afterwards in a censure upon any of their measures; and whatever may be said or pretended to the contrary, it will always have some weight with those who have a regard to their character, and do not like to act so inconsistent a part, as that of condemning, at the end of a session, what they have but seemed to approve of at the beginning. Courtiers may skip over a stick, forwards and backwards, when their interest makes it necessary for

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them to do so, but gentlemen of honour will scorn to act such a part, and therefore avoid doing any thing that has the least appearance of it.

We should therefore always, but more especially upon this occasion, avoid saying any thing in our Address that may look like an approbation of past measures. I say, Sir, especially upon this occasion, because it is evident, that the Speech now before us is calculated, from the beginning to the end, for procuring some sort of approbation to every public measure that has been transacted since last session; and the proposition now made to us is as evidently calculated for answering that design. No man rejoices more than I do upon his majesty's escaping those dangers to which he was last campaign advised to expose his sacred person; but I cannot say, because I do not think, that he exposed himself to these dangers in defence of the common cause or the liberties of Europe. No man can think so but such as think that all our late measures were calculated for the defence of the common cause and the liberties of Europe; and therefore none but such can join in this part of the proposition now made to us. Suppose, I think, that all our late measures were concerted with no other view but to put this nation to the expence of maintaining 16,000 Hanoverian troops, and of gaining some advantage or addition to the electorate of Hanover by the next treaty of peace; could I say, could I insinuate, that his majesty had exposed himself to dangers in defence of the common cause, or the liberties of Europe? A thorough-paced courtier may, perhaps, think, that the cause of Hanover is the common cause of Europe, as much as it has been lately made the cause of this nation: such a one may think, that the liberties of Europe depend as much now upon increasing the power of the electorate of Hanover, as they formerly depended upon increasing the power of the House of Austria; but I have the misfortune to think otherwise, and cannot therefore join in this part of the Address proposed.

Can I, Sir, acknowledge his majesty's regard and attention to the advice of his parliament, when, I am very sure, his parliament never gave such advice as has been lately followed, nor ever recommended such measures as have been lately pursued? The parliament advised his majesty to join in assisting the queen of Hungary, with those powers who are engaged by treaties, and bound by interest to support her; but the parliament never advised his majesty to take upon himself alone the supporting of that princess, and much less to take upon himself alone the procuring her an equivalent for those territories she has lately been obliged to part with.

In the same manner, Sir, I might go through every part of the Address proposed, and shew that no part of it that relates to any foreign transaction can be agreed to by any but those who approve of that transaction; for in every article there is a word or an expression stolen in, that implies an approbation of the transaction to which it relates; therefore, every gentleman who is resolved never to give a vote in this House, but what he can give a good reason for; I say, every such gentleman must, by this proposition, be obliged to examine our late measures; and in order to answer what the hon. gentleman who spoke last has said in their vindication, I shall take the same liberty that others have taken before me in this debate.

For this purpose, Sir, and in order to sift these matters to the bottom, it would be necessary to go as far back as the year 1720, when the affairs of Mecklemburg first produced a coolness between the courts of Vienna and Hanover, on account of the emperor's then beginning to examine into and curtail the sums claimed by the elector of Hanover as due to him from the duchy of Mecklemburg; because the resentment of the court of Hanover on that account, and the conduct of this nation in pursuance of that resentment, has brought Europe upon that precipice on which it stands at present. For this reason, I say, it would be necessary to take a view of our public measures for twenty years past; and though some of our present ministers may say, they are not answerable for what happened before they came into the administration, I must tell them, that they are answerable for the crimes of their predecessors, as long as those crimes remain unpunished, especially if it should appear, that they have been the chief cause of the impunity their predecessors have had the good luck to meet with. But as this would lead me into a deduction of facts and circumstances which would take up too much of your time, I shall go no farther back than the late emperor's death.

That unlucky, though no one can say unforeseen, accident should certainly have

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opened the eyes of our ministers, and made them perceive the oversight they were guilty of, when they guaranteed the Pragmatic Sanction, in not procuring some satisfaction for the king of Prussia, with regard to his claims on Silesia, in order to secure the assistance of that prince in defence of the Pragmatic Sanction. But if our ministers were then so stupidly blind as not to have their eyes opened by that accident, surely the invasion of Silesia by Prussia should have opened their eyes, and made them lose no time in repairing the oversight they had been guilty of, when they guaranteed the Pragmatic Sanction. The justice or injustice of his Prussian majesty's claims was what ought not to have been admitted into our consideration, nor indeed had we any thing to do with it. The necessity of securing that prince in our interest ought to have been our only consideration; and considering the open declarations of Spain and Bavaria, and the probability that both would be assisted by France, no man that was not wilfully blind could miss seeing this necessity. Therefore our ministers should have lost no time in communicating their thoughts to the court of Vienna, and insinuating, in the gentlest manner they could, the necessity of her Hungarian majesty's entering immediately into a negociation with Prussia upon the plan of what he himself had offered.

This, Sir, might have been done without talking in a dictating manner, or giving the queen of Hungary the least cause for being affronted. But afterwards, if we had found that princess unreasonably, or even imprudently, haughty or obstinate, we might and ought to have talked in a more peremptory manner, and even told her plainly, that she was to expect no assistance from us, if she did not by some concessions engage Prussia in her interest. I shall grant, that this would not have been conformable to the letter of our engagements, of mutual defence and guarantee entered into in the year 1731; but all such engagements imply the condition of a possibility of performance; and if she, by her imprudence, made it impossible for us to perform our engagements, the fault was hers and not ours; for, according to the letter of our engagements, we had not so much as a moment's time to employ our good offices; and therefore, if it was right to depart so far from our engagements as to employ our good offices with the king of Prussia, towards a reconciliation, it would likewise have been right to have departed from them altogether, had she by her obstinacy rendered the performance impossible or too dangerous.

But, it seems, we were afraid of talking peremptorily or sincerely to the queen of Hungary, lest, by so doing, we should have provoked her to throw herself into the arms of France. Sir, if ever there was such a thing as a vain fear, this was one. When we consider the extensive pretensions of Spain and Bavaria, and the ancient animosity between the Houses of Austria and Bourbon, can we suppose that any man in his right senses was afraid of the queen of Hungary's throwing herself into the arms of France, and thereby bringing herself under a necessity to satisfy, or, at least, compound the extensive claims of Spain and Bavaria, without any consideration, rather than make some few concessions to Prussia in Silesia, for a very valuable consideration? Whatever some gentlemen may now pretend, it is impossible to suppose that they, or any one else, was affected with such a fear. But, on the other side, there were most just grounds to fear, nay there was almost an absolute certainty, that her refusing to give any satisfaction to Prussia, and our supporting and encouraging her in that refusal, would force Prussia into an alliance with France, as it soon after did.

Having thus shewn, what should have been the conduct of our ministers upon the late emperor's death, and the invasion of Silesia by Prussia, I shall next examine what was their conduct. The late emperor died October the 20th, and the king of Prussia invaded Silesia about the middle of December. The queen of Hungary notified this invasion to our court by a letter dated the 29th of December; but so far were our ministers from bestirring themselves either to prevent or accommodate this contest, that his majesty did not answer this letter till the end of February, for though it bears date the 29th of January, it was not delivered to the queen of Hungary's minister here, till near the end of February; and as a copy of that Answer is not only before us, but has been printed, I am surprised to hear any gentleman assert, that our court, in that letter, or in any other paper at that time, either advised, or remonstrated to the court of Vienna the necessity of giving satisfaction to, and engaging the king of Prussia in her interest. On the contrary, our ministers (for even that letter I must here call

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the letter of our ministers) therein say, that there ought not to be the least derogation from the faith of solemn treaties, that they would endeavour to persuade the king of Prussia to desist from his hostile enterprize, and that if he did not, they would faithfully and religiously perform the treaties that obliged them to assist her majesty; and they conclude, that this was the same language they had held to her minister; from whence we must conclude, that her majesty was acquainted with these their sentiments before she had them in writing, which was most unreasonably delayed, considering how pressing the occasion was.

At that time, Sir, we had such a regard for the Dutch, that we would not so much as answer the queen of Hungary's letter, or employ our good offices with the king of Prussia, without their concurrence, nor till we were informed of their sentiments, and had entered into a concert with them; and what was this concert, Sir? By my lord Harrington's Letter to Mr. Robinson, of the 27th of February, we are informed what it was. It was not to advise the queen of Hungary to give any satisfaction to Prussia, but by friendly representations to endeavour to prevail upon the king of Prussia 'to desist from his present enter-'prize;' if that should not succeed, to deter him from the prosecution of it by declaring their joint resolution to fulfil their engagements to the court of Vienna; and if neither of these methods should prove sufficient, to proceed 'to oblige that prince, by force of arms, to withdraw his troops from Silesia.'

This, Sir, was the concert proposed by our minister at the Hague, and, at the same time, as that letter likewise informs us, the queen of Hungary's minister here was informed, that his majesty was resolved to perform his engagements to the queen of Hungary, as soon as a proper plan for the military operations could be settled; and this our minister at Vienna was desired to assure that court of, as he certainly did accordingly. In short, by all the accounts we have of the conduct of our ministers at this time, and for some time before, they seem to have been under a much greater concern about settling with the queen of Hungary and the Dutch a plan for attacking Prussia, than they were about settling the differences between that prince and the queen of Hungary: Nay, they seem to have been under a concern lest the queen of Hungary and the king of Prussia should accommodate their differences; and thereby deprive them of an opportunity of attacking the dominions of the latter; for by the letter I have mentioned, our minister at Vienna was instructed to feel the pulse of that court, as to their inclining to come to an accommodation with Prussia, but expressly ordered 'not to advise them one way or other.'

Considering the circumstances of Europe at that time, Sir, it would be very difficult to account for this conduct in our ministers, if we had not got some papers upon our table that furnishes us with the proper clue. The papers I mean, Sir, are that which is called 'A Project of a Convention,' and that which is called 'Remarks of the Court of Vienna on lord Harrington's letter of the 28th of April.' From these papers it appears, that when the king of Prussia first entered Silesia, some wrong-headed minister formed a scheme for taking hold of that opportunity to add some part of the Prussian dominions to the electorate of Hanover, and for this purpose it was proposed, that an alliance should be formed between the queen of Hungary, Great Britain, Holland, Hanover, Saxony, and Muscovy, for attacking Prussia, and dividing his dominions amongst them; for by the terms proposed, each party was to keep what he could conquer. This project was communicated to count Ostein, the Austrian minister here, and by him to the court of Vienna, where it was drawn up into the form of a treaty, a copy of which we have upon our table, intitled, as I have said, 'A Project of a Convention;' but though it was drawn up in form at Vienna, that court, in the remarks I have mentioned, expressly declares, that in this project 'they only followed what others desired,' and that it was 'drawn only in consequence of the relations sent by count Ostein.' This project was, it seems, adopted by our ministers here, and so fond were they of it, that it prevented their seeing the danger and confusion Europe would be involved in by a confederacy between France, Spain, the emperor, the electors Palatine and Cologne, the king of Prussia, and the king of Sweden. Or perhaps their fondness for this project made them such fools as to believe the protestations of the court of France, that they would adhere to the guarantee of the Pragmatic Sanction, and give no assistance to Spain or Bavaria, or any way obstruct our schemes in Germany.

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But our ministers, Sir, enjoyed but a very short while the pleasure of indulging themselves with the hopes of being able to make an addition to the electorate of Hanover at the expence of Prussia; for soon after the beginning of March, as appears from the lord Harrington's letter of the 5th of that month, they had certain information, that France was preparing to throw off the mask, and that a treaty was far advanced between Prussia and France. This made their scheme against Prussia a little dangerous; and I believe they had at the same time, the mortification to find, that the Dutch would have nothing to do with it, which made it absolutely impracticable. Upon this, I shall grant, they began to advise the queen of Hungary to make it up at any rate with the king of Prussia; but they made that advice ineffectual, by promising at the same time, to fulfil their engagements to her at all events, though by the fresh instructions they sent to our minister at the Russian court, which the queen of Hungary, in the remarks I have mentioned, complains of, it appears, they had no real intention to perform that promise; for if they had been really determined to assist the queen of Hungary, they would not surely have desisted from endeavouring to bring the powerful empire of Russia into the same measure; but as both the queen of Hungary, and the court of Russia, shewed themselves a little cool as to our project of dividing the Prussian dominions, as both of them declared against having any share in the conquests, our ministers, whatever they might promise, began to be very indifferent about assisting the queen of Hungary, as soon as they found that no advantage could thereby be got for the electorate of Hanover; and that electorate, notwithstanding all the promises of our ministers to assist the queen of Hungary in all events, concluded at last a neutrality with France.

That neutrality, Sir, I shall not give myself the trouble of finding fault with. The neutrality itself was never made a topic of ridicule; but the manner in which it was negociated became very justly a topic of ridicule; and the consequences it had, or at least seemed to have, upon the measures of this nation, became a subject for the most melancholy reflections to every true Englishman. It is highly probable, that in the treaty itself there was no stipulation for the neutrality of this kingdom; for no English minister would dare to sign such a treaty; but I will say, that while the same counsels prevailed here, it appeared to be a neutrality for England, as well as Hanover; for otherwise there is no accounting for the conduct of our ministers with regard to our squadron in the Mediterranean. We knew that our declared enemies, the Spaniards, were preparing a very formidable embarkation at Barcelona, and as formidable a squadron at Cadiz, as they could fit out: we knew, that the French, who, as has been acknowledged by the advocates for this Address, wanted only an opportunity to attack us, were preparing as formidable a squadron at Toulon as they could fit out. In these circumstances we must admit, that our ministers had, or had not, an assurance upon which they could depend, that none of these preparations were designed against our possessions in the Mediterranean. But such an assurance they could not have, unless England, as well as Hanover, was included in the neutrality, by some secret article, or, at least, by some verbal engagement; and if they had no such assurance, their neglecting to reinforce admiral Haddock's squadron, so as to make it equal to the combined squadrons of France and Spain, was a most heinous crime, and was the cause of that affront which was put upon the flag of England by the French admiral; for no man, I hope, will pretend to say, that it was not in the power of our ministers, to have provided our admiral with such a squadron as would have enabled him to give a good account of both these squadrons; and if he had been so provided and properly instructed, I believe no Frenchman whatever would have dared to tell him, 'You shall not attack the declared enemies of your country.'

I hope, Sir, I have now clearly shewed, from the best authorities, that the court of Vienna's refusing to give any satisfaction to Prussia, was not owing to any obstinacy in that court, but to the designs of the court of Hanover, which governed the measures of our ministers here; and to confirm what I say, beyond contradiction, I shall produce one other authority, from the mouth of one of our own ministers, I mean our minister at Vienna, who, as appears from lord Harrington's letter of the 27th of February, had informed our court here, that the great duke, and some of the principal ministers at Vienna, seemed inclined, and even were desirous, to come to an accommodation with the king of

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Prussia, upon the foot of the plan suggested by Mr. Gotter, which the great duke was so fond of as to call his own. From hence it is evident, that the court of Vienna wei not obstinate, but were ready to come to an accommodation with the king of Prussia, upon the plan which he himself had offered by Mr. Gotter, his minister at Vienna; and that they were diverted from this salutary measure by our taking the Danes and Hessians into our pay, and by the extreme readiness our ministers shewed at that time to join with them in attacking the king of Prussia. It was this that made them afterwards suppose it inconsistent with their honour to enter into any treaty with Prussia, till he had withdrawn his troops from Silesia; and though, when we saw the danger we had brought Europe and ourselves into, by seconding the selfish views of Hanover, I say, though we then advised the court of Vienna to make it up at any rate with Prussia, yet we never endeavoured to make them alter this opinion, but, on the contrary, confirmed them in it, by negociating at the Prussian court upon this foot only, and by promising them our assistance in all events; which we continued to do till the very time of the Hanover neutrality's being concluded.

Thus, Sir, it must appear, that if it became impossible to give the queen of Hungary any effectual assistance, that impossibility was occasioned solely by the schemes and the blunders of our ministers; but even after the French began to pull off the mask, and even though the king of Prussia had then actually concluded his alliance with them, the thing was far from being impossible or impracticable. If we can believe the court of Vienna in the remarks I have mentioned, the Russians were ready to have attacked Prussia, if we had not, upon seeing the danger arising from France, diverted them from it, by sending new and different instructions to our minister at their court. And if the empire of Russia had declared openly and strenuously in favour of the queen of Hungary, it is highly probable that we might have prevailed upon the king and kingdom of Poland to do the same, especially if the queen of Hungary had made him some concessions in Silesia, in order to unite his kingdom and electorate. Such a confederacy, Sir, with a commanding British squadron in the Baltic, and another in the Mediterranean, might have shewn that it was not impossible to give effectual assistance to the queen of Hungary; but Hanover might possibly have suffered in the scuffle, and from the moment we perceived this, we began to be as much governed by unreasonable fears, as we had before been by unreasonable hopes. This made us permit our enemies, the Spaniards, to land their troops quietly in Italy: this made the court of Hanover beg a neutrality: this procured the House of Bavaria the imperial diadem; and this gave such a turn to the system of Europe, as made the vigorous measures we have since pursued as ridiculous, as our preceding pusillanimous measures were absurd.

I come now, Sir, to the beginning of the famous year 1742, which gave such a turn to the affairs of this nation as may be the ruin of the liberties of Europe, and will certainly, in my opinion, pave the way for the utter ruin, or the firm re-establishment of the liberties of this country; but before I begin to examine the measures we have since that time pursued, I must examine how the system of Europe stood at the beginning of this year. The duke of Bavaria being chosen emperor by eight of the nine electors of the empire, and thereby the imperial diadem gone from the House of Austria, for this emperor's lifetime at least, that House could no longer be set up as the rival of the House of Bourbon, nor could the balance of power be now established, as formerly, upon the power of the House of Austria, without getting the election of the present emperor declared void, and the queen of Hungary established in all her father's dominions, or having an equivalent for what she should be obliged to yield up for restoring the peace of Germany. This, Sir, was apparently impossible, considering the then circumstances of Europe, and the governing politics at the respective courts. The Dutch were for nothing, but negociating, and seemed absolutely resolved to trust rather to a new confederacy for preserving the balance of power in Europe, than to engage themselves in the war merely for supporting or restoring the House of Austria: the affairs of Russia and Sweden had taken such a new and extraordinary turn, as made it highly probable, that if they took any share in the troubles in Germany, it would be in favour of the French and Bavarians. The court of Denmark was in a league with France: three, or I may say five, of the electors of the empire, to wit, Prussia, Saxony, Bavaria, Palatine, and Cologne, were actually engaged in

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war with the House of Austria; and the whole empire seemed resolved to support the election they had made, and the dignity of the head they had chosen.

In these circumstances, Sir, it was absolutely impossible for us to restore the House of Austria to its former power and dignity, or to re-establish the balance of power in Europe upon the power of that House; and therefore the only wise thing we could do was to join with the Dutch in negociating the re-establishment of the peace of Germany, and securing the liberties of Europe against the future ambitious projects of France, by a confederacy among the princes who were most likely to suffer by those projects. I shall most readily grant, that it was the interest of this nation to have preserved the old system in Europe, or to have restored it, if it had been in our power: nay, I shall grant, that this was more our interest than it was the interest of any other power in Europe, because we were in the least danger, or most remote from the danger of suffering by the overgrown power of the House of Austria; and therefore it was certainly right, both in the parliament and people, to recommend to his majesty the preservation of the old system; but after this had been rendered impossible, by our own blundering or timidious conduct, no man of common sense could recommend to his majesty what evidently appeared to be impossible; and therefore it was most reasonable and right, that those who had at first recommended our assisting the queen of Hungary in the most vigorous manner, should now recommend our assisting her no farther than was necessary for forming and establishing that confederacy, whereon, for the future, the preservation of the liberties of Europe was to depend.

For this purpose, Sir, nothing more was necessary than to take care, that France should get no increase of dominions by the new division of Europe that was to be made. Whether the power of the House of Bavaria, now the imperial, was or was not to be increased at the expence of the House of Austria, was not now the question; because, if the affair had been settled by our mediation, the House of Bavaria would have been as ready as the House of Austria to have entered into a confederacy against the future ambitious projects of France. Whilst the present connection subsists between the courts of France and Spain, it is indeed the general interest, and whilst the present war subsists between Spain and us, it is, in particular, our interest, to prevent that crown's making any new conquest in Italy; but otherwise it would have signified nothing to the rest of Europe, or to us, whether the queen of Hungary should keep possession of all her dominions in Italy, or should yield up a part of them to a son of Spain. Therefore it was certainly our interest, about the beginning of the year 1742, to have joined with the Dutch in the plan of negociation, and in the mean time to have assisted the queen of Hungary with our money, and to have opposed the designs of her and our enemies, the Spaniards, with our squadrons. By these means we might soon have restored the peace of Germany; and the surprising success of the queen of Hungary's arms, about the end of the year 1741, had made this more easy than could before have been expected.

This, I say, Sir, was at that time our interest; but soon after the beginning of that year, a new minister got himself, I shall not say how, into the king's council, who immediately resolved, at any rate, to get himself into the king's closet; and for this purpose he resolved to take advantage of the spirit that had appeared in this nation in favour of the queen of Hungary, in order to squeeze from thence some benefit for the electorate of Hanover. In pursuance of the plan he had formed and advised, a most extraordinary zeal began to appear in our councils for assisting and supporting the queen of Hungary; and our ministers, even those who just before had betrayed the cause of Europe and their country to their fears of France, began to affect high mettle and courage, and a high contempt of the power of France. Soon after, it began to be whispered, that a large body of our British troops were to be sent to Flanders. For what end nobody could imagine, because it was known, from our common news-papers, that the Dutch had positively declared against it; and every one knew, that the money those troops would cost us, would have been of much greater service to the queen of Hungary, who did not want soldiers, as good at least as ours, but money to maintain those soldiers, and to provide them with arms and ammunition. Every one therefore concluded, that 16 or 20,000 British troops in Flanders, could be of no service to the queen of Hungary, especially as the French were tied up from attacking her upon that quarter by their engage-

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ments with the Dutch, and more especially as the Dutch threatened, that they would declare against whichsoever side should strike the first blow in Flanders.

Whatever the friends of our ministers may pretend, Sir, every man, who impartially examines the dates and circumstances of what afterwards happened, must conclude, that the sending of our troops to Flanders had not the least effect upon the counsels of France, or of any other power in Europe, nor in the least contributed to the future successes of the queen of Hungary. Whoever considers the politics and the preceding conduct of France, must see, that though the French were desirous enough to have the power of the House of Austria reduced, they had no mind to take the whole load upon themselves, or to venture the total destruction of their army in conquering provinces for the emperor in Germany, or for the queen of Spain in Italy. If they had resolved upon this, they might have had the queen of Hungary drove out of Germany as well as Italy the very first campaign. But they were so far from resolving upon this, that they never did embark in the affairs of Germany till they were assured of the alliance with Prussia, which they at last obtained merely by the bad conduct of our ministers; nor did they send a man to the assistance of the Spaniards in Italy, though they knew, that they might have done it without any interruption from our squadron.

From their conduct the preceding campaign it is therefore evident, Sir, that their design was, to get the power of the House of Austria in Germany reduced chiefly by the German princes themselves; and the power of that House in Italy reduced solely by the Spaniards, and such of the Italian princes as should join with them. This, I am persuaded, was their design, and therefore I must conclude, that if we had taken the least care to prevent Prussia's entering into an alliance with them, none of their troops would have entered Germany; nor would any of the Spanish troops have entered Italy, if we had taken care to reinforce sufficiently, and instruct properly, the squadron we had in the Mediterranean. This being the case, Sir, as soon as the French found themselves abandoned by Prussia and Saxony, and that we had reinforced and properly instructed our squadron in the Mediterranean, they thought no more of prosecuting the war, but of negociating a peace; and if we had seconded them, I am persuaded, a peace might that summer have been concluded, more safe for the liberties of Europe, and more beneficial and honourable for this nation, than any, I am afraid, we shall hereafter be able to obtain. It was not therefore the troops we sent to Flanders, but the court of Vienna's agreeing to give satisfaction to Prussia and Saxony, that prevented the French assisting the Spaniards in Italy, or sending reinforcements to their army in Germany; for were it to be supposed, that the French had not troops enough for both these purposes, as well as for opposing the little army we were to form in Flanders, it would be ridiculous to suppose, that our forming an army in Flanders, where they were sure we could not act, would prevent their sending their troops where they were absolutely necessary for the success of their designs. And it was not fear that prevented the Dutch from joining in our measures, but it was either because they did not approve of them, or because our behaviour at the time of the Hanover neutrality had given them a diffidence, which could not be removed by our new minister, who, they saw, was to be under the same influence with his predecessor. One of these two, I say, or perhaps part of both, was the reason why the Dutch did not join in our measures; for though few people here at first knew the true motive of our sending a body of our troops to Flanders, the States General were probably from the beginning apprised of it, and, therefore, I do not wonder at their declarations upon that occasion.

Long before the end of the summer, Sir, the true motive began to appear; for as soon as it began to be whispered, that a body of 16,000 Hanoverian troops was to be taken into British pay, every one began to smell out the secret: Every one began to see, that our troops were not sent to Flanders to assist the queen of Hungary, but to afford a handle for taking 16,000 Hanoverians into British pay, and that this was the project which our new minister had formed for gaining what he wanted and so ardently desired. If the design had been to give any real and effectual assistance to the queen of Hungary, the proper way would have been to have sent our British troops to Hanover, which we might have easily done, even though the Dutch had refused them a passage through their country, and by being joined there by the 6,000 Hessians in Bri-

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ish pay, and the 16,000 Hanoverians that were to be taken into British pay, they would have formed an army sufficient for driving the French army under Maillebois out of Germany, which would have prevented his marching to the relief of Prague; or if he had marched that way, they might have followed close at his heels, and thereby prevented the Austrians from being obliged to raise the siege of that place. But this, Sir, would have immediately engaged our mercenaries in action, whereas their design was not to fight but to take our money; and therefore care was taken to march them to a place where we could not engage them in action, without the concurrence of the Dutch, which we were pretty sure we could not obtain.

In the mean time the behaviour of the French towards the king of Prussia, especially about the time of the battle of Crotzka, had made him ready to hearken to any proposals that might be made him on the part of the court of Vienna; and the latter were so sensible of the true design of our forming an army in Flanders, and were now so fully convinced, that no effectual assistance could be expected from hence, that they were now ready to offer terms much more advantageous for the king of Prussia, and less advantageous for themselves, than those offered by that prince at the beginning, and by encouragement from hence, if not by our instigation, rejected. This temper in the two courts soon brought on an accommodation, and that was naturally followed by an accommodation between the courts of Vienna and Dresden. Can it be supposed, Sir, that the courts of Berlin and Dresden were ever afraid of the resentment of France, when by joining with the queen of Hungary it would have been easy for them to have drove all the French armies out of Germany, had they been as numerous as it was possible for France to send thither? Could the difference between our having 20,000 men in England, or in Flanders, make any material difference in their fears or their hopes, when all the world knows, that we can send 20,000 or 40,000 men to Flanders whenever we please? No, Sir, it was their own interest, and that alone, by which they were governed, and if that had been rightly considered immediately after the emperor's death, no Frenchman would have entered Germany, no Spaniard would have entered Italy, in a hostile manner; the grand duke would have been chosen emperor, the balance of power would have been established upon its ancient foundation, and the monstrous expence prevented which this nation has been, and is like to be, put to.

As I have said before, Sir, when the French found themselves abandoned by the Prussians and Saxons, they thought no more of prosecuting the war, but of negociating a peace in Germany. Their first propositions were perhaps insidious, as all French propositions ever were, and ever will be; but as the affairs of Germany were then circumstanced, we might have taken the bait without allowing ourselves to be caught in the snare. All the princes of Germany then desired to see the peace of their country restored; and if reasonable terms had been proposed by us, and rejected by France and the emperor, it would have united Europe, as well as Germany, in our favour; but a peace was now inconsistent with the favourite scheme of our minister; because if a suspension of arms had been upon any terms agreed on, he could have found no pretence for taking any Hanoverian troops into British pay; therefore, we gave no helping hand towards restoring the peace of Germany; but on the contrary, if the truth were known, I believe it would appear, that we used some methods for preventing it; and thereby our minister found means to execute the scheme he had projected. The troops of Hanover were taken into British pay at a time when they could be of no immediate service, and marched to a place where they could give no assistance to the queen of Hungary, nor any terror or uneasiness to the court of France. Nay, that court had, perhaps, private assurances, that these troops should not be employed against them, otherwise I cannot account for their sending Mr. Maillebois out of Westphalia, since it was certainly in their power to have sent an army equal to his, from Alsace, for the relief of their army, then besieged in the city of Prague; and no man will suppose that our troops in Flanders could prevent their sending any troops out of Alsace.

Our army being thus, and for these ends, Sir, formed in Flanders, and sent into winter quarters almost as soon as formed, it could not but occasion great uneasiness and discontent among the people of this kingdom; and the violent opposition this measure met with in parliament, convinced our ministers, that, notwithstanding its having been approved of by a majority, it

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would be necessary to make a shew, at least, of doing something with this army the ensuing campaign. This, Sir, was the true cause of its march into Germany last spring; but what it was to do there, no man could then, no man can as yet tell; for that this army, or this march, was the cause of the French troops evacuating Germany, is certainly a mistake. The French court had resolved upon this before our army marched; all they wanted was to get their troops out of Germany without any considerable loss; and the march of our army to Germany was so far from preventing the retreat of their troops from Bavaria, that a considerable body of troops was detached from their army in Suabia, and sent to Bavaria to facilitate this retreat, without our attempting in the least to interrupt or disturb them in this design; which convinces me, that there would have been no action between our army and the French in Germany, if the latter had not attacked us; and this they would not have done, if they had not thought they had got such an opportunity of ruining our army as no political reason could justify their neglecting. By the bravery of our troops, it is true, and the misconduct of some of their inferior generals, they were shamefully repulsed; and the use, or rather no use, we made of that repulse, or of prince Charles's joining us with a numerous and victorious army, is a proof, that we are more concerned about continuing these mercenaries in our pay, than about obtaining an honourable peace, either for ourselves or the queen of Hungary.

But I should be glad to know, what it is we aim at by maintaining a numerous land army, either in Flanders or upon the Rhine. Is it to be supposed, that if we had no army there, the French would attempt to recover Bavaria from the queen of Hungary, without the assistance of any of the German princes? They know too well the expence and the hazard of such an undertaking to attempt it; and we may depend on it, they never will march another way into Germany, unless our extravagant schemes again procure them the alliance of some of the chief princes of Germany. Till then the queen of Hungary must be safe upon the side of Germany; and if we had not fed her up with hopes of assisting her, in making conquests upon France, which it is not in our power to do, she might, before this time, have made both the Spaniards and the French sick of their designs against her in Italy, by pouring great armies into that country, and by the distress which might have been brought upon her enemies, by means of our squadron. This, without our putting ourselves to the expence either of sending our troops abroad, or of hiring mercenaries, would have procured a peace with regard to her dominions in Italy; and when this is done, she never did nor will refuse to restore the emperor to his hereditary dominions in Germany, unless her and our success against France should inspire her with such ambitious sentiments as may again unite the greatest part of Germany, with France and Spain, against her. But of this, I believe, there is no great danger, because it would be next to a miracle if we should have any success; for by shifting the chief seat of the war from Germany and Italy to the frontiers of France, we shall make the prosecution of it so cheap and easy to France, and so expensive and difficult to this nation, that before we can bring France into any distress, our funds will be quite exhausted, and then we must accept of such terms as our enemies shall please to prescribe; from all which I must conclude, that our maintaining a land army upon the continent, and encouraging the queen of Hungary to attempt making conquests upon France, may be attended with many mischiefs, but can be attended with no one advantage, either to this nation or the queen of Hungary.

Having thus shewn, Sir, that our measures have in every step been wrong, ever since the late emperor's death, and that they are now worse than ever they were before, because they are more expensive, and may subject us to greater dangers, I hope no gentleman will be swayed by the argument, that our putting a negative upon this motion may put a stop to or prevent the prosecution of the measures we are now engaged in; for this, I think, would be of the most signal advantage to this nation, and would probably be the means of very soon restoring the tranquillity of Europe, which is of itself a sufficient reason for my giving my negative to this question.

Mr. *Henry Fox:*

Sir; the hon. gentleman who made and seconded this motion, and the hon. gentleman who spoke last but one, have so much exhausted the subject, and have so fully stated every argument that can be

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made use of in support of the motion, or in vindication of our late measures, that I should have given you no trouble upon this occasion, if the extraordinary nature of this debate had not called me up. The present debate, Sir, is such a one as I never was witness to in this House before, and hope, I shall never again. It is not a debate, as usual, about the form of our address, or about amending the motion for an address; but it is a debate, whether we shall address or no: for as no amendment has been proposed, the question must be, whether we shall return any, or no address, by way of answer to the most gracious Speech his majesty has been pleased to make to us from the throne? And will any gentleman so far violate his duty to his sovereign, as to give a negative to such a question? In most questions, Sir, I must confess, I am well enough satisfied with seeing a majority upon what I think the right side; and the greatness or smallness of that majority gives me very little concern: But upon this question, Sir, if the gentlemen who have hitherto opposed the motion, think fit to make it the question, I must say, I should be sorry to see one contradictory vote; therefore, if gentlemen are resolved not to agree to the proposition now made to us, I hope they will, in common decency, and out of respect to their sovereign, propose some new amendment, or, at least, the previous question, that it may not seem to have been a question in this House, whether or no we shall return thanks to his majesty for his most gracious Speech from the throne?

As this had not before been taken notice of, I thought it absolutely necessary, Sir, not to let it pass unobserved, lest some gentlemen might, by the plausible objections made against our measures, be induced to shew a want of respect to their sovereign, without being sensible of it, which, I am sure, they will not, when they are fully apprised of the true nature of the question now before us. And now I am up, I hope I shall be excused, if before I sit down again, I endeavour to answer the objections that have been started against our conduct since the death of the late emperor, and to shew the weakness of the excuse that has been made for some gentlemen's differing so much now from the sentiments they so warmly expressed three years ago.

I shall most readily grant, Sir, that the death of the late emperor was not only an event that might have been foreseen, but an event that every one knew would infallibly happen. No man, I believe, ever supposed him to be immortal; but when we guaranteed the Pragmatic Sanction, it neither was nor could be foreseen, that he would die before the election of a king of the Romans: considering his age, and the vigour of his constitution, it was with great probability to be supposed, that he would live till he had a grandson by his eldest daughter. If he had lived till that time, and if his grandson had been in his lifetime chosen king of the Romans, I am convinced there would have been no dispute about the Austrian succession: at least, none of the pretenders to a share of that succession would have ventured to have had recourse to arms. His grandson would have succeeded him peaceably, not only in all the dominions he died possessed of, but also in the imperial dignity; and that he should do so, was not only the interest of Europe, but of this nation in particular. It was not, therefore, our business, at the time we guaranteed the Pragmatic Sanction, to inquire into, much less to revive the old disputes between the House of Austria and the House of Brandenburgh: those disputes had been accommodated many years before, and both parties had rested, and then seemed to rest satisfied under that accommodation. If they had been revived, there would have been no putting an end to them, without giving some part of the Austrian territories to the king of Prussia; and this was neither for our interest, nor was it for the interest of Europe, because it would have diminished the power of the House of Austria, and thereby rendered that House a less equal match for the House of Bourbon.

But suppose, Sir, that it could have been foreseen, that the late emperor would die before the election of any king of the Romans, could it be foreseen, that the late king of Prussia would die just before him, and that the present king of Prussia would be a prince of such an enterprising genius, as to revive all the old claims that had been either neglected or yielded up by his ancestors, and to vindicate those claims by an army, before he made so much as a demand by an ambassador? If this had been also foreseen, it could not have been guarded against; for suppose a satisfaction had been stipulated for the king of Prussia in Silesia, at the time we guranteed the Pragmatic Sanction, it is more than probable that this king of

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Prussia would not have stood to the agreement then made, no more than we find he has stood to the agreements formerly made. The argument he now makes use of, would have been as good in the one case as the other: for he might have said, that his ancestors were forced into the last as well as the first. Consequently we must suppose, that in order to purchase his friendship, some new concessions must have been made to him; and therefore, I think, it was most prudent to make no concessions, till it became necessary to purchase his friendship; because whatever concessions had been made before, would have been of no consideration in the new agreement; and the same way of arguing will hold against the House of Austria's making concessions to any of the other princes of Germany, at the time we guaranteed the Pragmatic Sanction.

Having thus shewn, Sir, that the conduct of our ministers, before the late emperor's death, is not liable to any objection, I shall next examine their conduct since that fatal event. It has been admitted, I think, by every gentleman who has spoke in this debate, and must be admitted by every gentleman who understands the true interest of Europe, and of this nation in particular, that upon the death of the late emperor, it was our business to have his succession transmitted as entire as possible to his eldest daughter, the present queen of Hungary, and, if possible, to have her husband, the great duke, chosen emperor; consequently, when the king of Prussia invaded Silesia, it was not our interest or business to advise the court of Vienna to yield any part of that rich province to him, as long as there were any hopes of compelling him to desist from his hostile enterprise. The manner in which he laid his claim to some lordships there; his entering that duchy with an armed force, without having made any previous demand, was a high insult not not only upon the queen of Hungary, but upon this nation, and upon every potentate in Europe, that had guaranteed the Pragmatic Sanction; and it was apparently made without any concert with any of the other powers of Europe. There was at first great reason to think, that it would be easy to compel him to desist, and to bring about a reconciliation between him and the queen of Hungary, without incroaching upon the balance of power, by obliging her to yield him a part of her dominions. If this could have been done, it must be allowed, that it was our interest to do it; and though Spain and Bavaria had set up claims against the queen of Hungary, yet, as these two joined together with Prussia would have been but a feeble confederacy against the queen of Hungary and her allies, their declarations could have no effect upon our resolutions, nor ought we to have allowed them to terrify us from doing what our own interest, as well as the interest of Europe, required of us.

France alone, Sir, was the power that, at this conjuncture, we were to regard; because, if France had remained quiet, the queen of Hungary, with a little of our assistance, might easily have forced all the others to beg for peace. Let us then candidly consider the circumstances of the court of France at the time of the late emperor's death, in order to determine whether our ministers had any reason to apprehend, that she would support either the king of Prussia, or any of the other claimants. France had but two years before guaranteed in the most solemn manner the Pragmatic Sanction, and had received a most valuable consideration for that guaranty: the kingdom of France was, at that time, and is still, liable to be involved in domestic broils, by the death either of their king, or his only son, and the court was under the influence of a minister, who, besides his being a very old man, had never shewn any great inclination to involve his country in a dangerous war. In these circumstances it was not to be supposed, that the court of France would interfere in the affairs of Germany, any other way than by its good offices to endeavour to reconcile the contending parties; and while the court of France seemed to continue in this resolution, the queen of Hungary had no occasion to purchase the friendship of the king of Prussia, at the expence of one of her richest provinces, nor was it agreeable to our interest, or the interest of Europe, to advise her to do so.

What then were we to do, Sir? Both our own interest, and our engagements with the queen of Hungary, pointed out to us what we were to do; which was, to assist her in driving the king of Prussia out of Silesia, in case we could not, by our good offices, prevail on him to retire from thence, and to leave his claims to the impartial judgment of the diet of the empire. This must justify every step of his majesty's conduct, from the death of

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the late emperor to the time of his having certain information that the French, notwithstanding their solemn engagements and many protestations, were resolved, and preparing to assist the duke of Bavaria, and king of Spain, in their attempts against the queen of Hungary, and were soliciting the king of Prussia to enter into the alliance. This produced a thorough change in the face of affairs, and made it necessary for his majesty to alter his measures. It became now impossible to preserve entire the dominions of the late emperor: it became necessary for the queen of Hungary to yield up a part, in order to preserve the rest; and it was now her interest, as well as the interest of this nation, and of Europe, to offer some satisfaction to the king of Prussia, with regard to his claims in Silesia. Accordingly his majesty lost no time, after hearing of the French designs, in communicating the same to her; and then he advised her, in as strong terms as one sovereign prince can make use of to another, I say, he then advised her to make it up at any rate with the king of Prussia; and at the same time to engage, if possible, the king of Poland in her interest. This will appear from my lord Harrington's letter of the 15th of March, 1740-1; and though it is there said, that his majesty was determined to fulfil his engagements to her in all events, this was no more than what his majesty was obliged in honour to do: but then we are to consider, that these engagements obliged his majesty to furnish no more than 8,000 foot and 4,000 horse; and the court of Vienna alone were to consider, whether with this assistance they could make head against the king of Prussia, and all the other princes that were then preparing to attack them. If they thought they could, they were in the right not to make any concessions to Prussia; and if this was their opinion, surely his majesty had no right to tell them they made a wrong judgment of their own strength, much less had he a right to tell the queen of Hungary, that unless she would yield one of her best provinces, or the greatest part of it, to the Prussians, he would not give her even that assistance, which, by a most solemn treaty, he was obliged to give her.

We must therefore admit, Sir, that upon the manifestation of the designs of France, his majesty, or, if you please, our ministers, did all that was incumbent upon them, and all they could do towards prevailing with the court of Vienna to make concessions both to Prussia and Saxony, in order to gain them to their interest. His majesty apprised them early of the danger they were threatened with from France: he from thence shewed them the necessity they were under of gaining the kings of Prussia and Poland: he advised them to yield to that necessity; and if they would not follow his advice, the misfortunes and the distresses they were afterwards brought under, must all be laid at their own door, neither his majesty nor any of his ministers are in the least to blame.

But though the court of Vienna would not take his majesty's advice, this, Sir, did not free him from the engagements he was under by the treaty of Vienna in 1731; therefore he declared, as he was in honor obliged to do, that in all events he would send her the assistance stipulated by that treaty, and accordingly the 300,000*l.* granted by parliament was faithfully remitted to her. If his majesty engaged no farther in her cause; if he put this nation to no further expence in a cause which, in all human probability, appeared to be desperate, instead of censure, I think his ministers, or those who advised him, deserve our most grateful acknowledgments. And if Hanover took care of itself by a neutrality, and thereby freed itself from the danger it was exposed to by a Prussian army on one side, and a French army on the other, surely none of our ministers are to blame for it: nay, if they had advised it, they ought to be applauded; for if Hanover had been attacked, we were not only bound in honour, but by an express parliamentary engagement, to defend it to the utmost of our power. But to suppose, that the neutrality for Hanover had any influence upon the conduct of this nation, is directly contrary to experience, especially with regard to our squadron in the Mediterranean; for that squadron began to act in a very open manner in favour of the queen of Hungary, long before the time for the Hanover neutrality was expired; and every one knows that our troops began to embark for Flanders before the expiration of that neutrality; therefore we must suppose, that in the negociation for that neutrality there was nothing proposed, much less stipulated, that could any way affect the conduct of Great Britain; and consequently, what happened in the Mediterranean, with regard to the Spanish embarkation's getting

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unmolested to Italy, or with regard to their squadron's being protected by the French, must be imputed to accident, to false intelligence, or to French breach of faith; none of which can be absolutely guarded against by the most watchful minister that ever was.

Before I leave Hanover, Sir, I must take notice of what has been said about the plan of a treaty for dividing the dominions of Prussia, which, it is pretended, was first suggested to the Austrian minister here. As to that project, I think, it has not been asserted that it was first suggested by any of our ministers; and, I believe, I may venture to affirm, that it was not first suggested by any one who had then the honour to be in his majesty's councils; but suppose it had, I can see no reason why it should be found fault with. It was not, it is true, the interest of this nation to make any conquests upon Prussia, or to take and hold any thing in that part of the world; but as few nations like to put themselves to a certain expence, and to expose themselves to the dangers of war, without a prospect of some reward, and as it was our interest to engage other powers in the same bottom with us, it would therefore have been right in us to propose, that they should keep what they could conquer from Prussia, in order to induce them to join with us in compelling him to desist from his enterprise upon Silesia. If this project had been actually carried into execution, and if Hanover had thereby got some addition to her dominions, could it have been of any disadvantage to this kingdom? Instead of enviously repining, ought we not rather to have rejoiced at such a fortunate event? For though this nation is not to be engaged in any war, merely on account of Hanover, yet when that electorate joins with us in carrying on a just and necessary war, we are not surely to grudge her making the same advantage with our allies. On the contrary, I think, we should study her advantage more than that of any other ally; for this plain reason, because we can at all times depend more certainly upon her assistance; and the more the intrinsic power of that electorate is increased, the more able it will be to defend itself, and consequently the less assistance it will stand in need of from us, should it at any time be attacked on our account; which it will certainly be, as often as we are at war with any nation that can carry the war into that electorate.

This project therefore, Sir, if there ever was any such, must be allowed to be both just and wise; but it is evident, that of itself it had no influence upon our counsels: for I have shewn, that till the designs of France became manifest, it was against the interest of this nation, as well as against the general interest of Europe, to advise the queen of Hungary to make any concessions to Prussia; and as soon as his majesty had certain information of the designs of France, which was near a month before this project was brought to any sort of maturity, he advised the queen of Hungary to submit to that lesser evil, in order to avoid or guard against a much greater, which the French, Spaniards, and Bavarians were meditating against her.

By her Hungarian majesty's being so ill advised, as not to follow the advice given her by his majesty, and by the unaccountable lukewarmness to her interest, and to the balance of power, which appeared not only in Holland and Germany, but in all the other courts of Europe, it was rendered impossible for his majesty to give her effectual assistance, or to oppose the election of an emperor, which had been resolved on by all the other electors of the empire; yet still the preservation of the House of Austria was not to be neglected by this nation, because that House, by its possessions in Flanders and Italy, was still the most certain and most useful ally for this nation, against the designs both of France and Spain. The House of Austria, after being deprived of the imperial diadem, was not, it is true, to be set up as a match, by itself alone, for the united power of the House of Bourbon. It never was so, even at the time of its greatest grandeur; for what was then meant by the balance of power was, that the House of Austria, at the head of the Germanic body, with a little assistance from the maritime powers, was a sufficient match for the House of Bourbon. If the power of the House of Austria had been increased, the less assistance it would have stood in need of from us; and if decreased, the greater assistance it would stand in need of from the maritime powers, at all times when the liberties of Europe might be brought into danger, by the ambitious designs of the House of Bourbon.

For this reason, Sir, even after the duke of Bavaria was chosen emperor, it was still the interest of this nation to preserve, as entire as possible, the power of the House of Austria, not only as a chief

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member of any confederacy it might be afterwards necessary to form, for preserving the liberties of Europe, but as a neighbour and rival both to France and Spain, and therefore a proper and a certain ally for this nation. Suppose the House of Bavaria in possession of a considerable part of the Austrian territories, as well as of the imperial dignity, could this nation ever depend upon that House as an ally against France? Could Europe depend upon that House as a confederate against France? No, Sir, it would be obliged to secure and preserve its possessions by the same means by which it had acquired them, that is to say, by the friendship and protection of France, and however fond the present, or any future prince of that House may be of independency, they will always chuse to be dependent on France, rather than to be subdued by the House of Austria; for even France will take care to preserve such a power in the latter, as to make it formidable to the House of Bavaria, though possessed of the imperial throne. They are not such wretched politicians at the court of Versailles, as to raise up a new rival upon the ruins of the old. *Divide et impera* is a maxim they perfectly understand; and is now their governing maxim with regard to the affairs of the empire of Germany. It is their business to reduce the House of Austria, but not to raise the House of Bavaria so high as to put it in a condition to rival themselves; therefore it ought to be our business to prevent, as much as possible, the reduction of the former, or to raise as high as possible the power of the latter; and of these two expedients the first is, I think, the most proper, and by far the most practicable.

From this consideration, Sir, we may see a good reason, and, I believe, it was the true reason for his majesty's resolving, as soon as it became practicable, to support the House of Austria, and to prevent, as far as was possible, any farther diminution of its power. It was not the change in our administration, as some gentlemen vainly imagine, that produced a change in his majesty's measures; for whoever are his servants, his majesty pursues steadily what he knows to be the true interest of this kingdom, and of Europe; but it was an alteration in the affairs of Europe, and particularly in the circumstances and inclinations of the court of Vienna, that made his majesty alter his measures. The exemplary courage, fidelity, and affection of the queen of Hungary's subjects, and the vigour and wisdom of her counsels, had enabled her to perform such wonders in her own defence, that what had before appeared to all reasonable men to be impossible, began now to appear to be practicable. This made some of the neutral powers of Europe more inclined to join in supporting her, and some of her enemies more inclined to accept of reasonable terms than they had before appeared to be. At the same time, the distresses the court of Vienna had been reduced to, and the dangers they were still exposed to, had made that court more flexible, and more ready to make concessions, than they had ever been before. This change of circumstances happened soon after the beginning of the year 1742; and this could not but produce a change in his majesty's measures, because what before appeared impossible, began now, as I have said, to appear practicable.

Though it was not in his majesty's power to restore the House of Austria to the possession of the imperial dignity, or to preserve all the possessions belonging to that House, yet it now, and not till now, became probable, that his majesty, by joining heartily in the war, might defeat the designs of France, and prevent that court's being able to reduce the power of the House of Austria, as low as they had a mind. This of itself alone was well worth all the expence we have been at, or may be put to; but this is not all the advantage we may reap from the event of the war. No man can foretel, no man can answer for the event of a war; but from the justice of the queen of Hungary's cause, from the notorious perfidy of some of her enemies, and from what has since happened, we have great reason to expect success, and by success we may not only procure great advantages to ourselves in trade, but we may procure an equivalent for the House of Austria at the expence of the House of Bourbon, by which the old system may be restored, and the balance of power re-established upon its former foundation; that is to say, upon the sole power of the House of Austria, which every one allows to be the best, and which is certainly a much better and a more secure foundation than that of a general confederacy.

This, Sir, must justify all the measures his majesty has pursued, ever since the beginning of the year 1742; and as it is a justification of his majesty's measures, it

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is of course a condemnation of those who have since that time exclaimed as much against the vigorous measures, as they before did against the cautious measures, pursued by our government. Whilst there were no hopes of being able to do any thing by vigorous measures, his majesty acted with caution; but as soon as the first glimpse of hope appeared, he resolved upon vigorous measures. In both he acted right; in both he has acted steadily, and for the good of this kingdom, without regarding the unreasonable and contradictory clamours that have been raised against him; and for the honour of his majesty, and the glory of this nation, as well as for the disappointment of those who are governed more by their spleen and resentment, than by the interest of their country, I hope his measures will be crowned with success. But let the success be what it will, this nation can be in no worse circumstances, even by bad success, than it would have been had it sate still, and tamely looked on, till France had reduced the House of Austria, and parcelled out the dominions of that House, so as to keep up continual feuds and divisions among the princes both of Germany and Italy.

If we will but cast an eye, Sir, towards the consequences that must certainly have ensued from such a conduct, we cannot but see what a desperate and forlorn condition this nation would before now have been in. The queen of Hungary, notwithstanding her magnanimity, notwithstanding the surprising courage and fidelity of her subjects, would have been obliged to submit to the terms prescribed by France. The emperor would have been in possession of Bohemia, the Upper Austria, and some other parts of her dominions; the kings of Prussia and Poland would have been in possession of Silesia and Moravia; the Spaniards would have been in possession of all her dominions in Italy; and all would be courting the favour of France, for the preservation of what they had got, or of what they had been left in possession of. In these circumstances, would it have been possible for the Dutch to have refused any injunction laid upon them by the court of Versailles? If that court had ordered the States General to declare war against this nation, in conjunction with them and Spain, their high mightinesses must have obeyed, and must have joined the squadrons of France and Spain with the most powerful squadron they could fit out; by which our enemies might have become an overmatch for us at sea, and then our being situated in an island, would have been no protection or security for our domestic tranquillity. The dispute would not have been, whether we should be sovereigns of the ocean, but whether we should be sovereigns of the island of Great Britain; and if we had preserved the sovereignty of the latter, it would have been but such a sovereignty as the Carthaginians preserved after the second Punic war, and very probably under the same ignominious condition; I mean, that of surrendering all our ships of war, and promising never to build any for the future.

Surely, Sir, no gentleman who considers these consequences, will pretend to find fault with the measures his majesty is now pursuing: and if they are right, we ought not to do any thing that may obstruct or throw a damp upon them, which would be the certain effect of our putting a negative upon this motion. Nay, in my opinion, Sir, it would have a still worse effect; for our refusing to return thanks to his majesty for his most gracious Speech from the throne, would be shewing such a disrespect to our sovereign, as must necessarily put an end to all correspondence between him and his parliament, which would put an entire stop to all the constitutional wheels of our government, and consequently make it indispensably necessary for his majesty to think of governing without any parliament at all; and the consequence of this would be domestic confusion and a civil war. Therefore, if the question should be put upon the motion now before us, which I hope it will not, I shall look upon it as a question, whether our present happy establishment is to be preserved? And upon such a question, I cannot suppose that any gentleman in this House will give a negative.

Sir *John Hynd Cotton*:

Sir; if it were not too serious an affair, it would be very diverting to observe, what wretched shifts and quibbles those orators and writers are reduced to, who make it their business, or rather their trade, to justify the conduct of every minister. In this debate, and especially in what has been said by the hon. gentleman who spoke last, we may observe, that our conduct at one time is founded upon a supposition, that princes have no regard to treaties, and at another, upon the supposi-

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tion, that princes will shew a strict regard to their engagements: at one time we are obliged in honour to perform our engagements, though to our ruin, and at another we are not obliged to shew any regard to them: and what is most extraordinary, according to these gentlemen's way of arguing, the king of England was in honour obliged to perform his engagements; but the elector of Hanover, at the very same time, and in the very same circumstances, was no way bound to any such performance. Gentlemen may stare and look surprised, but I shall shew, that this is the sum and the scope of most of their arguments upon this occasion.

To begin, Sir, with the famous treaty of Vienna in the year 1731, by which we so generally and so generously guaranteed the Pragmatic Sanction. Every one knows, and therefore I need not explain, how our minister, while upon the stage, for, I believe, he is still our minister behind the scene; I say, every one knows how he was so precipitately led into that guaranty, without taking care to engage any one of the princes of Germany in the same measure. But this rashness of his is now, it seems, to be looked on as a stroke of consummate prudence; we were then of opinion, it seems, that princes have no regard to treaties, and therefore it was needless to engage them in that guaranty, by stipulating some concessions in their favour from the House of Austria, in case of the emperor's dying without leaving any male heir. Upon the existing of the case they would not, it seems, have stood to their engagements, but would have demanded some new concessions, without any regard to those formerly stipulated; and therefore it was most prudent to stipulate or promise no concessions, till the case should actually exist.

Thus, Sir, our conduct at that time, was founded upon a supposition, that princes have no regard to treaties; but I happen to be of a different opinion, especially when it is their interest to perform the engagements they have entered into. For example, if we had at that time stipulated for the king of Prussia the cession of a small part of Silesia, upon condition of his joining with us in the guaranty of the Pragmatic Sanction, I believe he would have observed the treaty, because it would have been his interest to do so. A bird in hand is worth two in the bush: he would then, by observing his treaty, have had a bird in hand, which he might have lost by breaking his treaty, and running in search of the two in the bush. But as he had no bird in hand, he could lose nothing, and might get something by going in search of the two in the bush; and every market-man knows, that he can buy cheaper when he has no immediate occasion for what he purchases, than he can propose to do, when the seller knows that he must immediately have the thing he wants to purchase, and can have it no where else: therefore, according to all the rules of common sense, it was ridiculous in us, as well as the court of Vienna, to delay purchasing, and by some concessions, securing the guaranty of Prussia, till the case should actually exist; nay, I am persuaded, the court of Vienna would not have delayed it, if we had not lulled them into a deceitful security by our express and general guaranty.

I am now to consider our conduct at another time, when the wisdom of it depends upon a supposition, that princes will shew a strict regard to their engagements; nay, what is more, upon a supposition, that France would shew a strict regard to her engagements. The time I mean, Sir, is that important period between the death of the late emperor, and our getting intelligence that France would support the claims of Bavaria and Spain against the queen of Hungary. The king of France, it is true, had guaranteed the Pragmatic Sanction but two years before, and had received a most valuable consideration for that guaranty; but whatever opinion we may have of the faith of the other princes of Europe, no minister, I am sure, but an English, I should rather say a Hanoverian, would depend upon French faith, much less make that dependence a foundation for his conduct. Gallica Fides is now become as great a proverb, as "Punica Fides" was of old: and is never therefore to be depended on by any man in his right senses, especially when it is so much their interest, and when they have such a fair pretence for a breach of faith, as it was, or as they had, upon the fatal emergency of the late emperor's death, and the king of Prussia's entering Silesia in a hostile manner. They never before had such an opportunity for reducing the power of their ancient and constant rival the House of Austria: they never had such an opportunity for setting the princes of Germany by the ears together, and provoking their irreconcilable enemies the Germans to sheathe their swords in one

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another's bowels. Could any man of common sense expect they would neglect such an opportunity? Especially when they had the plausible pretence, that the definitive treaty, whereby they had guaranteed the Pragmatic Sanction, was not yet completed, because it had not been ratified by the empire: and when they could moreover pretend, that there was nothing in that guarantee, which could prevent their assisting their ally, the duke of Bavaria, or the king of Spain, in the vindication of their rights, because of the "Salvo Jure cujuslibet" implied in the guarantee. I am far from saying, there was any real weight in either of these pretences; but light as they were, they were sufficient for turning the scale between French interest and French faith, and no minister could think otherwise, if he thought at all.

Yet so stupid were our ministers at that time, or so biassed and blinded by their fondness for the project of adding a part of the Prussian dominions to the electorate of Hanover, that they supposed France would, contrary to her interest, observe her treaties; and upon this they formed their whole conduct from the time of the emperor's death to the beginning of March following; for during that time they seem to have thought of nothing but of forming an alliance for parcelling out the dominions of Prussia, and getting a good share of them for the electorate of Hanover. They never so much as once thought of the election of an emperor, or of opposing any candidate that might be set up by France and Spain. As both France and Spain sent each her ablest ministers to Germany upon that important occasion, every one supposed, I cannot say every one wished, that our court would have sent a certain person, famous for his treaties and negociations, to Germany, in order to countermine the French and Spanish ministers at the several courts there; but to our misfortune, and the misfortune of Europe, that certain person was kept at home, which to me is a certain sign, that, during that whole period, we had nothing in our heads but the wise project I have mentioned.

I am next to shew, Sir, how our advocates for ministerial conduct at one time pretend, that we are obliged in honour to perform our engagements, though to our ruin, and at another, that we are no way obliged to shew any regard to them. In the year 1731, by the famous treaty I have mentioned, we guaranteed to the emperor all the kingdoms, states, and territories, and even the rights and immunities he then enjoyed, or ought to enjoy: In the year 1733 he was attacked, and some of his most valuable territories taken from him. At that time these advocates pretend, that we were no way obliged to shew any regard to the engagement we had entered into but two years before; and accordingly, we neither sent a man nor a shilling to his assistance. But in the year 1741, when the queen of Hungary was attacked by Prussia, we were in honour obliged to perform this engagement; nay, according to these gentlemen, our honour was so much engaged, that we were obliged to send her the stipulated assistance, even after it appeared that it was impossible to assist her effectually; and that all the assistance we could give, could be of no service to her, and might bring ruin upon ourselves. Thus these gentlemen make the same use of national honour, that is often made by hypocrites of personal conscience; when it serves their turn, they take it up; when it does not, they lay it down.

But this, Sir, is not the only wretched shift these gentlemen make use of upon this occasion; they are likewise forced to misrepresent to us the treaty of 1731. By that treaty we are obliged to assist the House of Austria, when attacked, with all our force, and without any limitation or declaration of the assistance we are to give. But when the Dutch came to accede to it, they were a little more cautious: and therefore they insisted upon having this article explained, and restrained to 8,000 foot and 4,000 horse from England, and 4,000 foot and 1,000 horse from their high mightinesses. This, I shall admit, is all the assistance we are, by this explanation, obliged to send to the House of Austria, in case such an assistance be sufficient for their defence; but in case this assistance should not appear to be equal to the impending danger, we are, even by this explanatory article, obliged to send a greater assistance; and, if necessary, to assist with our whole force. Therefore, if his majesty was, in the year 1741, obliged in honour to shew such a strict regard to his engagements, as these gentlemen pretend, he ought certainly to have assisted the queen of Hungary with his whole force, both by sea and land.

I am lastly to shew, Sir, that, according to these gentlemens' way of arguing, the

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king of England was in honour obliged to perform his engagements, but the elector of Hanover, at the very same time, and in the very same circumstances, was no way bound to any such performance. Every one knows, that the Pragmatic Sanction was guaranteed as expressly by the elector of Hanover as it was by the king of England; and considering the great flow of riches into the electorate of Hanover, and the little expence it has been put to, for near 30 years past, and especially the great acquisition it has made, without any expence to itself, within that period: I say, considering these things, it must be acknowledged, that Hanover is as able to perform its engagements as England can be supposed to be. If then, in the year 1741, the king of England was so much obliged in honour to send assistance to the queen of Hungary, how came the elector of Hanover to be free from any such engagement? For I never heard, that he sent her either men or money, but, on the contrary, concluded a neutrality, which, I am convinced, there was no occasion for, if the ministers of that electorate had not then been guided by ridiculous fears, as much as they had before been by ridiculous hopes. There was, it is true, a Prussian army on one side, and a French army on the other. This danger they had brought upon themselves by their projected alliance against Prussia, and the measures they and our ministers had taken in pursuance of that project; but as the intelligence from France, in the month of March preceding, had knocked that project out of their pates, and as they had, from that time remained perfectly quiet, I am convinced, that neither the Prussians nor the French would ever have attacked them, had no such neutrality been concluded. They might even have sent their contingent in money to the queen of Hungary, without being in danger of any attack; but this, I suppose, they did not do, because we did it for them; for if the queen of Hungary chose to have money rather than troops, which, I believe, she did, we sent her a good deal more than our contingent amounted to. By the article I have mentioned, in the accession of the States-General to the treaty of 1731, the equivalent for troops is fixed at 10,000 guilders, Dutch money, per month, for 1,000 foot, and 30,000 guilders for 1,000 horse; at which rate our contingent of 8,000 foot, and 4,000 horse, amounts but to 200,000 guilders per month, or 2,400,000 guilders per annum, which, at 10 guilders 18 stivers per pound sterling, being the usual rate of exchange, is about 220,000*l.* sterling; and as we gave her 300,000*l.* I suppose the additional 80,000*l.* was in lieu of the money for the contingent of Hanover, which supposing it to be 4,000 foot and 1,000 horse, (for I have never seen the treaty) amounted to above 77,000*l.* sterling.

Having thus, Sir, shewn the wretched shifts those gentlemen are reduced to, who make it their business to justify, at all times, the conduct of ministers, and that, however contradictory one part of their conduct may be to the other, I shall now examine more particularly into the reasons that have been invented for our changeable and contradictory conduct since the death of the late emperor. Though we gave ourselves no manner of concern about the election of an emperor, which to this kingdom was of the utmost consequence, yet as long as we thought the queen of Hungary was in no danger but from Prussia, we appeared mighty zealous for her support, and both court and country joined in their professions of this zeal. The Danes and Hessians were taken into British pay, the troops of Hanover were greatly augmented, and all were ready to march as soon as a proper plan for the military operations could be settled: these being the words of my lord Harrington's letter of the 27th of February, 1740-1. And of these our resolutions, he says, he does not doubt, but count Ostein had before informed the court of Vienna. The cause of this zeal, at least among our ministers, has already been sufficiently explained; and whether the project for dividing the Prussian dominions was first formed by any of our ministers, or by one who aimed at being a minister, I shall not determine; but it is very certain, it was adopted by our ministers, and was the true cause of our condemning the king of Prussia unheard, and thereby encouraging the court of Vienna to reject all the offers he made.

I shall grant, Sir, that no nation but this will ever chuse to involve themselves in war, without a prospect of getting something by the event; but circumstances are such at some conjunctures, that a nation should propose nothing by the war but future security, and no nation ought to promote or provoke a war, or the continuance of a war, for the sake only of what it may get by the event. In the unsettled state Germany was brought into

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by the late emperor's death, and when there was such a probability that France would take advantage of that unsettled state, in order to extend her own dominions, and increase her power, it was imprudent in the ministers of Hanover to think of getting any thing by a war between any of the princes of Germany; and it was much more imprudent in them, I shall call it by no worse a name, to think of promoting the war between Prussia and Hungary, merely for the sake of the chance they might thereby have, of getting a part of the Prussian dominions added to their own. It is this, I am convinced, that has made the Dutch of late so shy of entering into any concert with us; they see, that the measures of this nation are not now, as heretofore, founded upon the generous principle of establishing and securing the liberties of mankind, but upon the selfish principle of aggrandizing the electorate of Hanover; and this is a principle which they have nothing to do with, nor can they put any confidence in those who are governed by it.

This project, Sir, of forming an alliance for dividing the dominions of Prussia, engaged our attention so much, that we never once thought of the danger Europe was in from the designs France might probably form at this critical conjuncture. We thought of nothing but of the sweet morsel we should get by attacking Prussia in conjunction with the queen of Hungary; and during this time nothing appeared at court but a warm zeal for the support of the queen of Hungary, and the most indecent reproaches were thrown out by some of our ministerial tools, against the king of Prussia. At last we received repeated intelligence of the designs of France, and of their inviting Prussia into their alliance. Upon this the ministers of Hanover began to see, that there would be great danger and uncertainty in the scheme they had formed against Prussia: the Dutch had absolutely refused to enter into it, and both the queen of Hungary and the czarina had declared against having any share of the Prussian dominions: which convinced the Hanoverian ministers, that, if the king of Prussia could be brought to rest satisfied with his own, neither of these two princesses would support them in making conquest upon that prince: and as they now saw, that he might have the alliance and protection of France whenever he pleased, their scheme against Prussia became not only dangerous, but absolutely impracticable. Fear took then the place of hope in their narrow minds, and the thoughts of assisting the queen of Hungary were not only laid entirely aside, but it was resolved, that the Danes and Hessians, that were taken into British pay for that very purpose, should be kept as a guard for the electorate of Hanover. This, they knew, the queen of Hungary would remonstrate against, and therefore it was resolved to furnish her with money instead of troops. As the 12,000 Danes and Hessians were still kept in British pay, and now to be employed for the safeguard of Hanover, it was but reasonable to suppose, that the whole money for our quota, as well as for the quota of Hanover, should have been advanced by that electorate; but from thence we are to expect no such justice; England was to be saddled with the whole, as well as with maintaining the 12,000 Danes and Hessians, and till the parliament could be brought into this unreasonable project, the zeal for the support of the queen of Hungary, which was now nothing but a farce, was to be kept up amongst us; but as soon as the parliament had granted the 300,000*l.* I have mentioned, this zeal was no more heard of at court; and from that time our conduct began to be the very reverse of what it had been for almost half a year preceding.

However, Sir, the zeal among the people for the support of the queen of Hungary continued as warm as ever, and was rather heated than cooled by the danger and distress that princess was exposed to. This furnished some of our courtiers, either foreign or domestic, with a new project; since they found, that Hanover could get none of the Prussian dominions, they resolved it should get some of the English money: for this purpose they began again to pretend a mighty zeal for the support of the queen of Hungary; and in order to prevail with us, or to furnish out a pretence for taking 16,000 Hanoverian troops into our pay, an army was to be formed in Flanders, where they could not act, and consequently could give no umbrage to France, nor be of any real service to the queen of Hungary. To make this pretence the more plausible, our squadron in the Mediterranean was to be encreased, and to act against our declared enemies the Spaniards; but if the queen of Hungary had not found means soon after to draw the kings of Prussia

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and Poland off from the French alliance, I am convinced, that neither our troops nor our squadrons would ever have given any umbrage to France, or have been of any real service to the queen of Hungary.

The defection, indeed, of these two princes from the French interest, gave a new turn to the affairs of Germany, and the rapidity with which the queen of Hungary re-conquered Bohemia and Bavaria, made the French sick of carrying on a war at such a distance, especially as they saw, that it must be done entirely by French armies. This would have put a speedy end to the war in Germany, had it not enlarged the views of Hanover. The ministers of that electorate began now to think, not only of getting a large quantity of English money for the maintenance of their troops, but also of getting some addition to their dominions, by the continuance and event of the war. Both the emperor and the French offered to leave the queen of Hungary in possession of all her territories in Germany; but neither of them had then thought of giving any bishopric, or abbacy, by way of addition, to the dominions of Hanover, and therefore the project of an equivalent was suggested to the court of Vienna, and that this nation would support her in the pursuit of that project.

This, Sir, I am persuaded, has been the true cause of the continuance of the war, ever since the French troops were besieged in the city of Prague; and this will be the cause of its continuance till something be agreed to for the advantage of Hanover, unless bad success should put an end to the views of that electorate, and make it willing to sit down contented with the large sums it has got of English money. Good success will only force the emperor and France to think of some secularization; for whenever such an expedient is thought of, and privately agreed to, I am afraid, a *remora* will be secretly put upon the arms of Great Britain, and the equivalent for the queen of Hungary will then begin to be thought impracticable.

Thus, Sir, the views of Hanover have been the pole-star of our political compass ever since the death of the late emperor, as they had been for many years before. It was not our regard for the preservation of the power of the House of Austria that prevented our advising the queen of Hungary to make some concessions to Prussia, but it was our desire to add some of his dominions to the electorate of Hanover. It was not the natural impossibility of the thing that prevented our being able to give the queen of Hungary effectual assistance, after the French declared openly against her, but it was the views of Hanover that made the thing impossible; for if we had manifested nothing but a generous design to preserve the liberties of Europe, and had appeared resolute in the pursuit of that design, we should have got the Dutch, the Russians, and the king and kingdom of Poland, to have joined *totis viribus* in the confederacy, and such a confederacy would have been equal to France, Spain, and Bavaria, even though they had been joined by Prussia and Sweden. And it is not a design to procure an equivalent for the queen of Hungary, that makes the war to be now continued; for, considering the present disposition of the Dutch, and of most of the princes of Germany, we must have seen from the beginning that such a design was impossible; but it is some selfish view in the ministers of Hanover; and this, I am convinced, will become manifest before the war is at an end.

I shall grant, Sir, that it was the interest of this nation to defeat the designs of France against the House of Austria; but they were defeated, by the bravery of the queen of Hungary's troops and the desertion of Prussia and Saxony, before we engaged in her quarrel, any other way than by sending her a little money; and if the designs of France should, by good success in the war, be revived and fully executed; if the queen of Hungary should be thereby reduced as low as the French at first designed she should, she will have none but us, and her own credulity, to blame for it. The hon. gentleman was pleased to give us a frightful picture of the circumstances we should have been in, if we had sate still and seen France parcel out the dominions of the House of Austria at her pleasure; but how much more frightful will this picture be, if this should at last be the issue, after we have exhausted ourselves, almost to the last shilling, in carrying on an unsuccessful war upon the continent, under pretence of procuring an equivalent for the queen of Hungary? If we had put ourselves to no greater expence than was necessary; If we had not encouraged the queen of Hungary to expect greater assistance than we could, or really intended to give, we should have been in no danger of what the hon. gen-

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tleman was pleased to frighten us with; or if we had fallen into any such danger, we should have had strength, I hope, sufficient strength left, to have repelled it; but now we may be involved in the danger, or something like it, when we have no strength left to repel it; for when the queen of Hungary finds that we either cannot, or will not perform what we have, for the ends I have mentioned, amused her with, she may very probably make the best terms she can for herself, and leave us to contend in a war, by ourselves alone, with all the branches of the House of Bourbon.

After having thus, Sir, pointed out what, in my opinion, is the true spring of all the measures we are now engaged in, and just touched upon the fatal consequences they may be attended with, it will not be expected, I believe, that I should be solicitous about their being pursued, or very careful to avoid any thing that may discourage that pursuit. On the contrary, I am for putting the question upon this very motion, and I am therefore for putting a negative upon that question, because, I think, it will be the most effectual way for convincing our ministers, that whatever they may be, the nation will not allow itself to be made subservient to the views and interests of the electorate of Hanover; and this will of course put an immediate stop to the dangerous and expensive measures we are now engaged in; for when the ministers of that electorate see, that they are no longer to be supported by the riches and power of England, they will grow more moderate in their views, and give over disturbing Europe with schemes for satisfying either their ambition or avarice.

If I thought, Sir, that our putting a negative upon this motion, or our refusing to return thanks for a speech we did not approve of, would argue any want of respect to our sovereign: if I thought that any man but a minister, or the friend of a minister, would put such a construction upon it, I should be as much against it as any gentleman in this House: but I know, that no unbiassed man, who understands our constitution, will ever think of putting such a construction upon it. The king's speech from the throne is always, in this House, understood to be the speech of the minister, and, therefore, we may not only refuse to return thanks for it, but may censure it, without being guilty of any want of respect to our sovereign. To suggest, that our refusing to return thanks upon such an occasion, would break off all correspondence between his majesty and his parliament, is an insinuation to which I cannot give too bad a name. Such an insinuation is a real want of respect to his majesty, because it is supposing him capable of preferring the protection of his ministers, to the satisfaction of his parliament and people. Whereas, I am persuaded, and we have a late proof, that his majesty will dismiss any minister, or give up any measure, rather than risk disobliging or dismissing his parliament. The example of king James the Second will, I hope, be a warning to all future kings of this realm, not to break off correspondence with a parliament, on account of their refusing to return thanks for any speech he may be advised by his ministers to make from the throne. In the year 1685, this House refused to thank the king for his speech from the throne, for which, among other reasons, that unfortunate prince prorogued, and afterwards dissolved his parliament; but what was the consequence? in three years after, or a very little more, he was forced to abdicate his crown, and desert his kingdoms. If upon this refusal that prince had been so wise as to dismiss his ministers, and alter his measures, his reign might have been happy, and his posterity might now have been upon the throne of these realms; but he chose the foolish part we have been most imprudently, and, I am sure, most groundlessly, threatened with in this debate; whereby he made himself an example, which may be of use, and will, I hope, be a warning to all his successors. We have, therefore, nothing to fear from our putting a negative upon this motion, but a great deal to hope; for his majesty will from thence see, that his ministers have led him into measures which are disagreeable to his parliament. As soon as he sees this, we may expect, that he will dismiss his present set of ministers; and the day he does so will, in my opinion, be one of the happiest days this nation ever saw.

It was at length resolved by a majority of 278 to 149, to present an Address to his majesty in the terms proposed.

The Commons' Address of Thanks.] The following Address was accordingly agreed to:

"Most Gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Commons of Great

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Britain, in parliament assembled, beg leave to return our humble thanks for your majesty's most gracious Speech from the throne.

"We beg leave to congratulate your majesty on your safe and happy return into this kingdom; and, with hearts full of gratitude, we acknowledge the goodness of Divine Providence to this nation, in protecting your majesty's sacred person amidst the imminent dangers to which your invaluable life has been exposed, in defence of the common cause, and of the liberties of Europe. Your majesty's regard and attention to the advice of your parliament, in exerting your endeavours for the preservation of the House of Austria, require our warmest acknowledgements; and it is with the highest satisfaction we reflect on the success of your majesty's arms, in the prosecution of this great and necessary work, with so much glory to your majesty, and honour to this nation.—As the interests of this kingdom and those of the United Provinces are inseparable, nothing could be more welcome to your majesty's faithful Commons, than your majesty's having been joined by a body of the troops of the States General.

"We beg leave to declare our satisfaction in your majesty's having concluded a definitive treaty between your majesty, the queen of Hungary, and the king of Sardinia; an alliance, which must naturally contribute to the advantage of the common cause, and to the disappointing and distressing the crown of Spain, with which this nation is engaged in so just and necessary a war.

"It is with the sincerest joy that we congratulate your majesty on the happy marriage of the Princess Louisa with the Prince Royal of Denmark, which tends to unite and strengthen the Protestant interest in Europe.

"We likewise beg leave to congratulate your majesty on the increase of your royal family, by the birth of a prince; as it is an additional pledge and security for the continuance of the Protestant succession in your royal House.

"Your faithful Commons beg leave to assure your majesty, that they will, with the greatest zeal, unanimity, and dispatch, grant to your majesty such effectual supplies as shall be found requisite for the honour and security of this nation, and as may enable your majesty to concert such alliances, and pursue with vigour, such measures as may be necessary for the re-establishing the public tranquillity, and procuring a safe and honourable peace."

The King's Answer.] To the above Address his majesty returned this Answer:

"Gentlemen;

"I return you my thanks for this dutiful and affectionate Address. The unanimous support of my faithful Commons will add great weight to my endeavours for the public service, and be the surest means of bringing the great work, which by your advice I am engaged in, to an honourable and happy conclusion."

*Debate in the Commons on continuing the Hanoverian Troops in British Pay.**] December 6. A motion was made by Mr. Edmund Waller, "That an humble Address be presented to his majesty, that he will be graciously pleased forthwith to give orders and directions, that the 16,000 Hanoverians, now in the pay of Great Britain, be no longer continued in the service of this nation after the 25th day of this instant December;" Upon this occasion,

Mr. *Edmund Waller* said:

Sir; although I was one of those that highly disapproved of our taking any Hanover troops into our pay; although I was one of those that highly disapproved of the measures pretended to be set on foot, as a foundation or excuse for putting the nation to that expence, yet I am sorry to find, that what was said by me, and by other gentlemen upon that subject, has since, in every article, been so fully confirmed by experience. I then said, and I still say, that it would be for the interest of Europe in general, and of this nation in particular, to restore the House of Austria to the same grandeur and power it was formerly possessed of, and to reduce the power of the House of Bourbon, or at least to strip it of that accession of power which it acquired by the assistance or connivance of a long, wicked, and blundering administration in this kingdom. This was then, and still is, my opinion; but at the same time I said, and I do still say, that in the present situation of affairs in Europe, the thing is absolutely impossible. By furnishing the queen of Hungary, and the king of Sardinia with mo-

* From the London Magazine.—For the Account of this Debate from the MS. PARLIAMENTARY JOURNAL of the Hon. P. YORKE, see page 138, Note.

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ney, and by making a proper use of our naval, which is our natural strength, we might have prevented any farther diminution of the power of the House of Austria or any new accession of power to that of Bourbon. By this means, without running ourselves into a monstrous expence, we might, in a few campaigns, have made both France and Spain sick of the war, and ready to agree to a peace, upon getting their ally the emperor restored to his hereditary dominions: nay, if we had resolved upon these measures, and appeared steady in that resolution, I am convinced, the court of France would, last summer, have asked no more; for, I believe, nothing contributed so much to encourage that court to continue the war, as their seeing that our ministers had adopted, or at least pretended to adopt a scheme, which would of course lead the nation into such an expence, as every one knew it neither could, nor would, support for any number of years.

When I say so, Sir, I believe, that every gentleman who hears me, will suppose I mean the scheme for making conquests upon France, and giving them to the queen of Hungary, by way of equivalent for what she had yielded to the king of Prussia. This, Sir, was the scheme which our ministers either adopted, or pretended to adopt; and this was a scheme which the present circumstances of Europe rendered almost impossible, and the present circumstances of this nation absolutely so, as every man must conclude, that judges soberly and sedately of either. To pretend to make conquests upon France, when we are assisted by no one considerable ally but the queen of Hungary, and, consequently, must be at almost the whole expence; when France was assisted by the king of Spain and the emperor, and almost sure of being assisted, in case of need, by two or three of the chief princes of Germany; in these foreign circumstances, I say, to pretend to make conquests upon France, would have been romantic, even supposing this nation had been in the most flourishing circumstances, and as free from debt as it was at the Revolution: but to undertake such a scheme, when we were over head and ears in debt, when every tax that could possibly be thought of was mortgaged, except the land-tax and the malt; and when these two, supposing the land-tax at 4*s.* in the pound, were little more than sufficient for supporting the expence of our government in time of peace: in such domestic circumstances, to undertake such a scheme was, I will say, absolutely ridiculous.

This the French court could not but see; and, therefore, if they thought we were serious in adopting this scheme, they could not but conclude, that they had nothing to do but to stand upon the defensive, to keep their armies in strong camps, or behind well-fortified lines, and avoid coming to any general engagement; to put numerous garrisons in all their frontier towns, and to raise new fortifications wherever they saw we intended to make the impression. By these means they might easily have protracted the war for three or four campaigns, and in that time they knew that this nation would be quite exhausted. Even our Sinking Fund, which, properly speaking, is mortgaged for the payment of our old debts, must have been all remortgaged for the new: and when that fund was gone, I should be glad to know where we could have found another. This would have brought a general distress upon our public credit; and let that happen when it will, our government will find it impossible to raise money either for maintaining an army, or for fitting out a squadron. The French would then have been able to turn the tables, and to act upon the offensive against us at sea, as well as against the queen of Hungary at land; and in one campaign or two, to compel both to submit to what terms they pleased to impose.

Thus, Sir, the French could not but foresee, that if we were serious in adopting this scheme, the best game they had to play was to continue the war, and to refuse to offer any reasonable terms, in order to provoke us to go on with the prosecution of such an impracticable scheme; and the little success we had last campaign, the insignificant impression we made upon their frontier, or rather our not being able to make any impression at all, is a manifest proof they judged right.

On the other hand, Sir, suppose we were not serious in this scheme; suppose it was only a pretence, in order to encourage the court of Vienna to continue the war against the emperor and France, it is impossible to suppose, that such a pretence could be set up with a view of gaining any advantage to England: in setting up such a pretence, our ministers could have no views but what related to Hanover; and these must have been, either to induce this nation to take a large body of

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Hanoverian troops into its pay, or to induce the emperor and France to agree to some method of adding some new territories to the electorate of Hanover, by the next treaty of peace. In a British minister it was highly criminal to entertain either of these views; and yet these in my opinion, were really the views upon which our ministers pretended to adopt the scheme of making conquests upon France, at the sole expence of this nation, in order to give those conquests to the queen of Hungary, as an equivalent for what she had yielded to Prussia. The scheme was in itself so apparently impracticable, that it is impossible to suppose, they engaged in it seriously, and without any hidden view; but the zeal of the people here, for the support of the House of Austria, and their natural jealousy of the power of France, made it a good cover for any secret view in favour of Hanover; and whatever that electorate may get by the event of the war, it is evident, that it will get a great deal of English money by the continuance of it.

If France, Sir, had offered some bishopric, or some additional territory to Hanover, at the same time that she offered to withdraw her troops from Germany, the project of giving an equivalent to the queen of Hungary would never have been set up by our ministers, and the tranquillity of Europe, or at least of Germany, would have been restored before this time; but the court of France knew too well their own strength, and the nature of the people here, to allow themselves to be forced into any such measure. In this country, it is true, the people are sometimes a little too late in opening their eyes, but we do open them at last, however artfully we may have been blindfolded: and when we do, we generally take a violent, often too violent a turn. This the court of France resolved to wait for, because they knew that the weight of a land war, supported almost entirely at our expence, would soon make us open our eyes, and might then, probably, make us altogether desert the queen of Hungary, which would of course render her cause desperate, and thereby enable the court of France to prescribe what terms they pleased to her. In this case they foresaw, that it would be in their power to obtain much better terms for their ally the emperor, than they could expect at the time their troops were inclosed in Prague, and the people of this nation zealous for the support of that princess; for while that zeal continued, even our ministers here durst not venture to sacrifice the interests of the queen of Hungary to those of the electorate of Hanover, or at least not so absolutely as they might do, after that zeal had been stifled by the weight of a heavy land war.

Thus, Sir, it is evident, that whether we were serious or no in the scheme we set up for giving an equivalent to the queen of Hungary, and for that purpose engaging in a heavy land war, it was the interest of France to continue the war, because she could lose nothing, and might probably obtain the accomplishment of all her views by the continuance of it. Whereas, if we had not encouraged the queen of Hungary in the hopes of obtaining an equivalent at our expence; if we had thought of nothing but preserving her in the possession of what she had not yielded to Prussia, Saxony, and Sardinia: if we had laid aside all views in favour of Hanover, and had thought of nothing but supporting the queen of Hungary with our money and navy, what then could France expect by a continuance of the war? They must have carried it on in Italy, and the remotest parts of Germany, or they must have resolved to desert both the emperor and king of Spain, and to think only of their own defence. If they had deserted the emperor, he would have come to an accommodation with the queen of Hungary, upon any terms we pleased to prescribe, in order to get himself restored to his hereditary dominions, and established in the imperial throne; and if the court of Spain had found themselves deserted by France, they would have been glad to come to any terms with us, as well as the queen of Hungary, in order to get their troops back from Italy, and their son Don Carlos left in possession of the two Sicilies. Nay, both would have been so much irritated against France, that they might have joined with us and the queen of Hungary, in a confederacy against that kingdom, and then we might have thought of making conquests upon France, with a reasonable view of success.

If, on the other hand, Sir, the court of France had resolved to carry on the war in Italy, and the remotest parts of Germany, how difficult, dangerous, and expensive would such a war have been to them, considering the large sums of money we might have remitted to the queen of Hungary and king of Sardinia, and the great service our navy would have been of,

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in transporting provisions, ammunition, and recruits to their armies, at the same time that it would have rendered it impossible for France and her allies to supply their armies with any thing unless by land-carriage, which would have been almost impossible, considering the long journies they must have made, and the nature of the countries they must have passed through? Besides, Sir, the marching of such numerous French armies into Italy, and the empire, would have produced great uneasiness in the inhabitants of both countries, and might probably have induced the neutral princes and states in both, to have joined with the queen of Hungary, in order to drive those armies out of their country, and thereby put a stop to those ravages that are always committed by foreign troops in their march, even through neutral territories. The French had before suffered so severely in Bavaria, Austria, and Bohemia, and the Spaniards in Italy and Savoy, that neither of them, I believe, would have chose to have carried on the war in those countries, if we had resolved to enable the queen of Hungary, and king of Sardinia, by large remittances, to increase their armies in those parts, instead of resolving to assist them by maintaining useless armies in Flanders, or upon the Rhine.

I hope, Sir, it is not yet too late for us to begin to follow right measures: by resolving upon such measures, I hope we may still put an end to the ambitious views of France; and to convince that court of our being resolved, for the future, to assist our allies upon the continent with nothing but our money and navy, is the chief end of the motion I am to make. But I have another reason, which must appear equally cogent to every man that wishes well to the illustrious family now upon our throne, and that is, the discontent, and even disaffection, I fear, that has been occasioned by his majesty's loading his British subjects with the maintaining of 16,000 of his Hanoverian troops. These discontents have been increased by its appearing, as was foretold, that they could be of little or no service to the common cause; and by employing them in the same service with our British troops, such jealousies and heart-burnings have been raised among the officers and soldiers of our army, as may be of the most fatal consequence to our present happy establishment, if an end be not very soon put to them. All these bad consequences were foretold, when it was first proposed to take this body of Hanoverians into our pay, and every one of them is now confirmed by experience. Nay, the jealousies and heart-burnings between the British and Hanoverian troops are risen to such a height, that, in my opinion, it will be dangerous to bring these two bodies of men into the same camp, and much more dangerous to employ them together in any expedition; therefore I was in expectation, that our ministers would have advised his majesty not to continue the Hanoverian troops any longer in the pay of Great Britain, and that he would have made the same known to the people, by his Speech from the throne, at the opening of this session of parliament. But as his majesty has not been pleased to give us the least insinuation of his resolving either to alter his method of assisting the queen of Hungary, or of his resolving not to continue any longer the troops of Hanover in the pay of Great Britain; and as I think it absolutely necessary, that both these resolutions should not only be taken, but as soon as possible communicated to the public, for quieting the minds of our people at home, especially those of our army, and for convincing our enemies abroad, that we are not only resolved to continue our assistance to the queen of Hungary, but also that we are resolved from henceforth to continue it, without any by-view, and in that manner which will be most effectual for her service, and which we shall be able to support for a great number of years.

Lord *Barrington*:

Sir; it gives me great pleasure to hear such a motion made in this House, and still greater to hear it made by a gentleman, whose knowledge and judgment in public affairs I have so good an opinion of. Such a motion I have expected with impatience ever since the beginning of this session; for I thought such an Address, as is now proposed, so absolutely necessary at the beginning of this session, that if no other gentleman had, I believe I should have presumed, notwithstanding my youth and want of experience, to have offered some such motion to your consideration. I should have done it before now, if I had not thought that it would come, and come with greater weight from some gentlemen of more experience, and longer standing as a member of this House. That our ministers have chosen the wrong method of assisting the queen of Hungary:

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that the method they have chosen, will be least effectual for her service, and most expensive to us, is a question so plain, that, I think, I need not spend any of your time in enforcing what my honourable friend has said upon that head. What I shall aim at, Sir, is to shew, that when we sent our troops to Flanders, or at least when we resolved upon sending them there, it could not be with a design to assist the queen of Hungary, nor with any other view, but that of furnishing our ministers with a pretence for keeping up numerous armies of our own, and loading the nation with maintaining the armies of Hanover; and from thence I shall endeavour to shew the necessity of our interfering and offering the advice now proposed to our sovereign, because we cannot expect that ministers, who have such views, will ever give him any such advice.

As Flanders, Sir, is of all others the frontier upon which France is best provided with fortified towns, and consequently the best guarded against any attack: as Flanders is the place where the French may, with the greatest ease and smallest expence, carry on a war; and as Flanders is the country where the conquests of France will always be of the most dangerous consequence to this nation; therefore, now that our allies the Dutch have got a sufficient barrier in that country, and our ally the queen of Hungary is in possession of a great part of it, we ought certainly to avoid, as much as possible, making that country the seat of any war, intended to be commenced or carried on against France; unless we were very sure of being able to form an army there more powerful than any she could send against us. Was this the case, Sir, when our ministers first resolved to send a body of troops to Flanders? The Dutch were so far from having made the least insinuation of their being resolved to join us, that they had, I believe, pretty positively declared the contrary: the queen of Hungary neither had, nor could raise any great number of troops in that country; and as her hereditary countries in Germany were then almost surrounded with French, Bavarian, Saxon, and Prussian armies, we could not expect that she could send any troops from Germany to join ours in Flanders; consequently, suppose the 16,000 Hanoverians, 6,000 Hessians, and the few troops the queen of Hungary could spare from her garrisons in Flanders, had been ready to have joined our troops as soon as the first of them landed in Flanders, which was upon the 9th of May, 1742, and, consequently, before we had so much as any hopes of a reconciliation between the queen of Hungary and king of Prussia: I say, suppose all these foreign troops had been then ready to have joined us, and to have joined us with a design to fight as well as to take our money, we could not have formed an army of 50,000 men in Flanders; and every one knew that France could, at that time, without bringing a man back from Germany, send an army of near 100,000 disciplined troops against us; therefore it cannot be supposed, that our ministers, let them be never so romantic, had then any design to attack the French frontier in Flanders, by way of making a diversion in favour of the queen of Hungary.

This, Sir, is to me a strong proof, that they could not have any such design; but there is yet a stronger remaining, and such a one as must convince every man who considers what circumstances the electorate of Hanover was in at that time. M. Maillebois, with his French army, was then encamped in Westphalia, upon one side of that electorate, and prince Anhalt with a Prussian army upon the other side, at Magdeburgh. When the electorate of Hanover was in these circumstances, can we suppose that the elector of Hanover would have lent his troops with a real design to make an attack upon France? Can we suppose that the prince of Hesse would have lent his troops with any such design, when the French and Prussian armies were so near his frontier? It is true, both the French and Prussian armies were retired, before either the Hanoverian or Hessian troops marched for Flanders; but they were not retired, nor were there any hopes of their retiring, when we first sent our troops to Flanders; and, I hope, it will not be said, that our ministers had formed a design to attack France by the way of Flanders, without the assistance of any foreign troops at all.

Thus, Sir, I think it is evident, that when our ministers first resolved upon sending a body of our own troops to Flanders, they could have no design to assist the queen of Hungary, by attacking France on that side; and I should be glad to know how that body of troops could any other way assist her. Surely, it is not to be supposed, our ministers intended that those troops should march from Flanders to Behemia, in order to join the queen of Hungary's armies in that kingdom. Such a

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junction was absolutely impossible, not only because of the length and difficulty of the march, but upon several other accounts: there were no magazines provided, there could be no magazines provided for subsisting them upon their march; because some part of the country, through which they were to march, belonged to, and was in possession of the enemy: but suppose they could have been subsisted upon their march, they could not have joined the queen of Hungary's troops; because the numerous armies of the enemy lay in their way, and would have intercepted them upon their march, before any such junction could be effected.

These, Sir, are the only two ways I can suggest, by which our troops sent to Flanders could be of any service to the queen of Hungary; and if both these were at that time apparently impossible, I may, I think, conclude, that by sending that body of troops to Flanders, our ministers could have no design to assist the queen of Hungary. What then could be their design? One part of it is very plain. The disposal of commissions and preferments in the army, is, we know, of great service to a minister, especially at his first entrance into power; therefore he was resolved to raise and keep up a much greater number of troops than the parliament would agree should be kept up at home: this made it necessary to send some part of the army, he intended to keep up, abroad; and for doing so, the popular service of the queen of Hungary was pretended. That this was one part of the design is, I think, not only plain, but certain. But in sending our troops abroad, there was, I believe, a farther design. A minister must depend for his continuance in power, either upon the favour of his prince, or the favour of his country. He who places his dependence upon the favour of his country, will disdain, nay, he must resolve not to humour his prince in his passions and prejudices, especially those that are inconsistent with the glory or happiness of his country. But a minister who never had any pretence to popular favour, who, if he ever had any, made a sacrifice of it by his manner of getting into power, such a minister must place his whole dependence upon the favour of his prince, and must go greater lengths in humouring his prince's favourite passions and prejudices, than ever any minister did before him.

From this consideration, Sir, I am persuaded, that the taking of 16,000 Hanoverians into our pay, was resolved on previous to the resolution of our sending a body of troops abroad, and with the other that I have mentioned, was the real cause of our resolving to send any of our own troops to Flanders. Whilst the Hanoverian troops remained in the electorate, no pretence could be formed for taking them into British pay: if they had been sent into Bohemia, they might have been of some service to the queen of Hungary; though from the experience we have in former times, and lately had of them, I do not think they could have been of much: however, their marching thither, or even a stipulation for their marching thither, would have given umbrage to France and Prussia, and drawn both M. Maillebois and prince Anhalt into the electorate of Hanover; therefore Flanders was the only place they could be safely sent to, in order to entitle them to be taken into British pay; and as a pretence for bringing them there, a body of our own troops was to be sent there before them.

It may be said, Sir, that this could not but give umbrage to France, as much as if they had been sent into Bohemia; but I have already shewn why it could not. France very well knew, that in Flanders, the whole army we could draw together, whilst the Dutch remained neutral, could not begin to act with any probability of success; therefore they concluded, that these troops were to be sent there, with no other view but to make a parade, in order to amuse the people here, and to make them squander a very large sum of money, which France will always have great reason to rejoice at. They are not jealous of Hanover: they are, and have more reason to be jealous of this nation, than of any other in the world; therefore they cannot but rejoice at seeing us enter into any chimerical project, that may prevent our being able to clear our public revenue of its present incumbrance; and I must say, we have for many years past given them but too frequently good cause to rejoice upon that head. France could not, therefore, take the least umbrage, or be any way disobliged, at the elector of Hanover's sending, or engaging to send, a body of his troops to Flanders at our expence; nor would the French or Prussians, upon that account, have attacked Hanover, even though the 16,000 Hanoverians had begun their march as soon as our troops began to embark for Flanders.

This I am convinced of, Sir, from the

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known circumstances of things; and if I knew all the secrets of the Hanover cabinet, I should, I believe, have more reason to be convinced of it. From thence, perhaps, it might appear, that the court of France were told by some Hanover minister: "You see how zealous the people of England are for assisting the queen of Hungary: this zeal has furnished us with an opportunity for chousing them of a pretty large sum of money: for this purpose we are to send a large body of our troops into Flanders, to join a body of English troops to be first sent there; but you are sensible that this can do you no prejudice, nor the queen of Hungary any service, therefore we hope you will not take it amiss." I am far from affirming, Sir, that ever any such speech was made to the court of France; but such a thing is possible: And I cannot help observing, that the count de Bulau, great chamberlain to the elector of Hanover, arrived at Paris the beginning of March, 1741-2, about his private affairs, as some of our news-papers said; but others intimated, that he was charged with a private commission, which might perhaps be in relation to this body of Hanoverian troops that was then resolved to be taken into British pay.

I hope, Sir, I have now shewn, to the satisfaction of most of this august assembly, that when our troops were sent to Flanders, they could not be sent thither with a design to assist the queen of Hungary, nor with any other view but that of furnishing our ministers with a pretence for keeping up numerous armies of our own, and loading this nation with a great part of the army of Hanover. These, I believe, were at first the only views our ministers had; but when the success of the queen of Hungary's arms in Germany, and the falling off of Prussia and Saxony from their alliance with the emperor, had locked up the French army in Prague, put her in possession of Bavaria, and drawn M. Maillebois out of Westphalia, the electorate of Hanover being then freed from any apprehensions of an attack, our ministers here perhaps began to form some new schemes in favour of that electorate. The same motives that prevailed with them to form a scheme for taking the Hanoverian troops into the pay of Great Britain, might very probably induce them to form a scheme for getting some additional territory to Hanover, by the event of the war, as well as getting a large sum of money yearly from England by its continuance. For this purpose, the queen of Hungary was to be dissuaded from hearkening to any proposals of peace, which the success of her arms then forced the emperor and France to make to her; and in order to do this the more effectually, she was to be encouraged to attempt to make conquests upon France, at almost the sole expence of England. We then, perhaps, began to be not quite so mindful of keeping terms with the court of France; and this, with the clamours here at home, prevailed with our ministers to send their Flanders army into Germany.

But for what was it sent there, Sir? not to fight, but to make a parade, and to amuse the people here with our having driven the French troops out of Germany, though the French court had resolved, and were preparing to withdraw their troops from Germany, before our army marched thither. Luckily for our ministers, considering what afterwards happened, our generals brought our army into such a situation, that the French general thought he was sure of an easy and complete victory; and his disappointment, which was owing chiefly to the misconduct of his inferior generals, furnished our ministers with that amusement for the populace, which has since been called, The glorious Victory at Dettingen. This, I say, was lucky for our ministers, because otherwise they could not have had so much as a pretence for saying, that with this army we ever intended to do any real service to the queen of Hungary. But, I hope, it will likewise be lucky for the nation; because it has convinced every man of what was before generally suspected, that our mercenaries may prevent, but never will contribute to our victory. This every common soldier among the British troops is convinced of; and this, together with the partiality that was last year shewn to our foreign mercenaries, has raised among our own troops such a hatred and contempt for the Hanoverians, that they never can be joined in the same army, if that army be really designed for action.

I say, Sir, if that army be really designed for action; for I very much question, if our ministers design that our army should act against France. They desire the continuance of the war, because the longer it continues, the longer they will have a pretence for keeping the Hanoverians in the pay of Great Britain: They desire, I believe, that the queen of Hungary's

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armies should have some success against France; but as the Hanoverian troops are to be preserved, in order to be paid, our ministers do not desire that they should have any share of the glory or danger; and if our ministers wish, that the queen of Hungary's armies should meet with success, it is not with any real view of increasing her power, or procuring her any equivalent, but because it may force the emperor and France to offer such terms of peace, as may increase the dominions and power of the electorate of Hanover. These are the real views, Sir, of our minister: These views necessarily proceed from his situation: an unpopular and detested minister must think of courting the favour of his prince, and of that alone. For this purpose he must humour and flatter his favourite passions and prejudices, let them be never so inconsistent with the interest or happiness of this nation. Can we expect, that such a minister will ever give honest and sincere advice to his sovereign, in any case where it must evidently clash with his sovereign's most favourite passion or prejudice? Can we expect, that he will advise his majesty not to continue the Hanoverian troops any longer in British pay.

Sir, if such an advice could have been given by any minister, it would have been given before the meeting of this parliament, and we should have heard of it in his majesty's speech from the throne: if it had been honestly given, and the reasonableness of it freely and boldly enforced, I am convinced his majesty would have complied with it; for he is so gracious, that he will always be ready to sacrifice his most darling passion or prejudice, when he perceives it to be inconsistent with the interest or happiness of his people. We may, therefore, be convinced, that it neither has been, nor ever will be given by our ministers; consequently, as members of this House, we are in duty bound to supply this defect in our ministers, and to give our sovereign that wholesome advice, which, we find, none of his ministers will venture to give him. This, Sir, is our duty; and as the circumstances of Europe require the utmost dispatch in all our resolutions, we ought to perform this duty as soon as possible, that the queen of Hungary may know what she has to trust to; and that, if we increase our grants to her, she may have time to apply them towards making new levies, so as to have them ready to act by the beginning of next campaign.

These are the reasons, Sir, which made me expect this motion with impatience: for these reasons, I heartily concur with my honourable friend; and therefore I second the motion he has been pleased to make.

Mr. Solicitor General *Murray**:

Sir; the motion now under our consideration is of such a new and extraordinary nature, and such a direct attack upon the prerogative of the crown, that I should think myself very little deserving of the honour his majesty has been pleased to confer upon me, if I sate still, and heard such a motion made without saying any thing against it. Every gentleman, who has the honour to be a member of this House, and views the question in the same light I do, is in duty bound to give his vote against it; but from the post I hold under the crown, I think myself obliged to give my reasons against the motion, as well as my negative to the question. By our constitution, Sir, the crown has its powers and prerogatives, as well as the people their liberties and privileges: the overthrow of either would be an overthrow of our happy constitution; and no violent attack has ever yet been made upon the former, but what ended in the destruction of the latter; therefore, as members of this House, and as guardians of the liberties of the people, we are obliged to protect the prerogatives of the crown, and to be careful never to make any encroachment upon them. Among the prerogatives of the crown, one of the chief is, that the king has not only the sole power of declaring war, but the sole command and direction of its prosecution. He alone is to judge and determine how and in what manner; with what forces, and what sort of forces the war is to be carried on; how our armies are to march, or our squadrons to sail; and when they are to attack, or when keep upon the defensive. All this, I say, the king has, by his prerogative, the sole direction of; but if this motion should be agreed to, I should not be at all surprised to see a venerable member of this House, who perhaps never was out of the island, nor ever saw an army or a squadron in his life, rising up and gravely moving to address his majesty, to order his army, or his squadron, to engage the enemy, with-

* The Hon. William Murray; afterwards the great Lord Mansfield.

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out knowing any thing of the situation or circumstances of either.

Gentlemen may smile, Sir, at this inference; but I must think that such a motion would be full as reasonable as the motion now made to us. As we know nothing of the present circumstances or views of any one court in Europe, except what we have learned from common newspapers, which is a sort of knowledge that is not, I am sure, to be depended on, it is impossible for us to judge what is the best method for giving effectual assistance to the queen of Hungary; and if it can be supposed, that our assisting her with our money and our navy, will be any way effectual, surely our assisting her with our troops, as well as our money and our navy, will be more effectual. The best and most certain way of judging in this case for us, is to judge by the effects, and from them if we form a judgment, we must conclude, that his majesty has chose the best method for giving her assistance. Let us consider the circumstances of Europe, when our ministers first resolved to send our troops to Flanders, and compare them with the present; if we do, must we not acknowledge, that a happy change has been brought about in that short period of time? I know it may be, and has been said that this change has been brought about by the bravery of the queen of Hungary's troops, and the bad conduct of the French generals; but in all political events, it is easy to assign other reasons besides the true one. I shall readily acknowledge the bravery of the queen of Hungary's troops, and the fidelity of her subjects: but they must have been overwhelmed by numbers, if Prussia and Saxony had not been brought off from the French alliance; and though this did not happen, till some time after we began to send our troops to Flanders, yet it is highly probable, that our resolving upon that measure had an effect upon the counsels of both these princes; for from that measure they perceived, that this nation had then begun, and was resolved to act vigorously, and with all its force, for the support of the queen of Hungary, which would render the success of the schemes they had then in view much more precarious; and at the same time it left them more at liberty to shew their resentment, upon the ill treatment they had met with, or might meet with, from France. It may therefore be reasonably supposed that this defection, which I look on as the æra of the queen of Hungary's triumphs, was chiefly owing to our resolving to send a body of our troops to Flanders.

But this, Sir, was far from being the only good effect. It has been admitted in this debate, and it is very well known, that France had then above 100,000 regular troops on foot, beside those employed in Germany. If that court had thought themselves in no danger at home, what could have hindered them from pouring in their whole army into Germany, which with the emperor's forces and the armies they had there before, would have formed such a numerous and powerful army as the queen of Hungary, with all her forces, could not have withstood? This they might certainly have done: this they would probably have done; but our sending our troops to Flanders made the court of France apprehend an attack at home, which made it dangerous for them to send their disciplined troops out of the kingdom. It is true, we could not without the Dutch propose to form an army of above 50,000 men in Flanders; but the French court could not be certain that the Dutch would not suddenly resolve to join us; and if they had, as their troops were all in the neighbourhood, they might, in a few days, have joined our army with 50,000 men, which would have made the allied army 100,000; and this would have been equal to any army the French could have brought against us.

Besides this, Sir, the French neither did nor could know, where we designed to begin the attack. We might have begun it upon Dunkirk; we might have begun it upon the side of Lorrain, which borders upon the queen of Hungary's province of Luxemburgh; and as these two countries are very distant the one from the other; as the French troops must make a great circuit round the Austrian Netherlands, in marching from one of these countries to the other, they were obliged to keep great bodies of regular troops in both, as well as along their whole frontier between the two, in order to be ready to defend themselves, wherever we should begin the attack. In these circumstances, even an army of 50,000 men must oblige them to keep near double that number upon their frontier, and the uncertainty they were in with regard to the Dutch, who had resolved upon a third augmentation of their troops, about the same time that we resolved upon sending a body of ours to Flanders, could not but make it necessary for the French to keep above 100,000 men

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upon that extensive frontier, which was in danger of being attacked by the allied army. Therefore it must be acknowledged, that our beginning to form an army in Flanders, in the year 1742, disabled the French from sending the necessary reinforcements into Germany, and this enabled the queen of Hungary to make those advantages of the retreat of the Prussian and Saxon troops, which would otherwise have been prevented by the arrival of new and numerous French armies.

As the Dutch continued obstinate in their pacific sentiments: as there were no hopes of bringing them off from their beloved neutrality, the design of making an attack upon France, by the way of Flanders, was laid aside; and it was resolved to employ our army there, in assisting to drive the French troops entirely out of Germany, that so the emperor, being left destitute of all support, might the more easily be induced to agree to such terms, as would establish upon a firm basis the tranquillity of his native country, and the balance of power in Europe. For this purpose our troops began to march from Flanders towards Germany early in the spring, and their march had such an effect, that Germany is now entirely free from French troops; the queen of Hungary is in possession of the emperor's hereditary countries, and the French, instead of being the invaders of other people's territories, are now hardly able to defend their own.

Upon the side of Germany, Sir, these are the effects of the method his majesty has chosen for assisting the queen of Hungary; and upon the side of Italy, the effects are equally happy. There indeed, our navy has been of great use to us; but by our navy alone, these effects could not have been produced; for if we had not, by sending our troops to Flanders, raised apprehensions in the French, of having their own frontier attacked, they would probably have sent such a considerable body of their troops to the assistance of the Spaniards in Savoy, as might have enabled them to force their way into Italy, and, perhaps, to compel the king of Sardinia to submit to their terms; but by our raising those apprehensions in the French, and thereby disabling them from sending any reinforcement to the Spaniards, the latter have been obliged to remain in Savoy; the king of Sardinia remains firm to his alliance with the queen of Hungary; the duke of Modena has been stript of his duchy, and the king of the Two Sicilies has been obliged to withdraw his troops from that army of Spaniards, which, by the neglect or pusillanimity of a former minister, was allowed to be transported by sea to Italy.

Thus, Sir, we see, that upon every side the most happy effects have been produced by the method his majesty has chosen for assisting the queen of Hungary; and, from thence, I think, I have reason to conclude, that it is the best method his majesty could have chosen, and that it ought not to be altered, unless some new and extraordinary event should make an alteration very apparently necessary. If, then, it be necessary to assist the queen of Hungary with troops, as well as with our money and our navy; I hope it will not be said, that we can assist her effectually with our own troops alone, and without taking any foreign troops into our pay; for if this should be resolved on, it would be necessary to increase our national land-forces to double or treble what we have at present on foot; and no one, I believe, will say that this would be consistent, either with the preservation of our constitution, or the preservation of our trade. From hence I must conclude, that in order to assist the queen of Hungary effectually, and in that manner which has already produced so happy effects, we must have foreign troops in our pay; and, till it is made plain to me, that we can have the same number of foreign troops from some other potentate, and at as cheap a rate, as we have this body of Hanoverians, I must be against the present motion; and should, till then, be against it, even supposing I were convinced of its being perfectly agreeable to our constitution.

As to the insinuations that have been thrown out in this House, and industriously spread without doors, of the cowardice of the Hanover troops; of their disobeying the orders of our generals, and of the jealousies and heart-burnings that have arisen between them and our British troops, I have made all the enquiry I could into the truth of these insinuations; and I find, they proceed entirely from those jealousies and animosities that naturally arise, and always do arise, between troops of different nations, when united in the same army. Those instances of cowardice, which I have heard mentioned, seem all to me to be instances rather of a strict discipline, than of any cowardice;

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and, by all the accounts I have been able to collect, the Hanoverian troops seem to me to be so much under discipline, and so much masters of it, that no danger, no, nor even success itself, can make them neglect it or break through it; which, according to the opinion of all the old officers I have conversed with, is of greater use in an army, and more serviceable in the day of battle, than a rash forwardness, and ungovernable impetuosity. If there was any seeming neglect of the orders of our generals, I am convinced, it proceeded from some mistake, either in those that delivered, or those that received the orders, and not from any wilful disobedience; and the disputes that arose between the British and Hanoverian troops, were either about quarters, forage, provisions, or in relation to the courage of the two nations, which are disputes that never fail to arise between the troops of different nations, and often do arise between the soldiers of different regiments; but these disputes may easily be prevented from arising to any height, by a prudent conduct in the officers, especially the general in chief, and are rather of a good than a bad consequence in a day of battle; because they raise an emulation in the different corps, which contributes to the good behaviour of both. As to the partiality, which, it is pretended, was shewn to the Hanoverian troops, I never could find the least ground for the insinuation; for if they were ever furnished with greater plenty, or a better sort of provisions or forage, by all the inquiries I have been able to make, it seems to have proceeded from their commissaries and proveditors being better acquainted with the country, and more masters of the language, perhaps more masters of their business too, than those that were employed as commissaries and proveditors for the British troops.

From all which, I hope, it will appear, Sir, that this body of Hanoverian troops may be as useful to us, and as serviceable to the common cause, as any equal number of foreign troops we can take into our pay; and if this be so, I can see no reason for our dismissing them, as long as we have occasion for keeping any foreign troops in our pay; at least, we ought not to dismiss them, much less ought we to advise his majesty to dismiss them, unless we were sure of being able to supply their place by an equal number of some other foreign troops, which, I believe, no gentleman in this House can pretend to be sure of.

Whether this House ought, in any case, to offer their advice to their sovereign, is a question, Sir, that from the nature of our constitution might admit of some dispute; because it is very certain, that this House was not designed, by its original institution, to advise, but to consent, as appears from the very words of the writ, the ancient form of which is still preserved. However, the practice has been so frequent for a century past, that we seem to be in possession, and therefore I shall not dispute our right; but we ought never to make use of it, except in cases where we have a full information, and are perfectly masters of the affair, in which we offer our advice, which is not, I am sure, the case at present. We neither have, nor can have, a full information of all the circumstances of the affair to which this motion relates; and to offer our advice in any such case, is the most certain way we can take, to give his majesty, as well as the public, a mean and contemptible opinion, both of our judgment and discretion, which would derogate from the influence our advice ought to have, in cases where we have a full information, and can be no way accused of acting a pragmatical part.

If the measures pursued by our administration had been attended with bad success, and signal misfortunes either to ourselves or our allies, this House would then have had some reason to enquire into the conduct of our ministers, and to call for all papers, and other evidence, that might any way contribute towards giving us a full insight into the whole of their conduct; and if we found that our misfortunes, or the misfortunes of our allies, had been owing to the wrong measures pursued by them, we might then with some decency advise our sovereign to alter his measures, as well as his ministers. But when our measures have been attended with unexpected success, we can have no reason for any enquiry, and much less can we have a reason for advising his majesty to alter his measures. But those measures, it seems, have been all secretly calculated, and still are secretly calculated for the benefit of the electorate of Hanover: I confess, Sir, I am not politician deep enough to dive into the minds of men, and to discover those hidden motives, which appear neither from their words nor actions. It is apparent from the effects, that our measures have contributed greatly to the success of the common cause: I mean the support of the

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queen of Hungary, and the security of the balance of power; and if the electorate of Hanover has reaped, or may reap any advantage by such measures, it would be invidious to grudge it that advantage. The effects have shewn, that our taking foreign troops into our pay, has been of great service to the common cause; and if the electorate has thereby reaped the advantage of getting a body of its troops maintained by us, we ought not to grudge it, or repine at it; for it has been no loss to us, but rather an advantage: because, if we had not had the Hanover troops in our pay, we must have had an equal number of the troops of some other prince or state, and must have paid more for them; for to any other prince or state we must have paid a yearly subsidy, besides maintaining his troops, and must, perhaps, have agreed to pay that subsidy for a certain number of years, even though we should have had no occasion for his troops, during the greatest part of that time.

Again, Sir, suppose the electorate of Hanover should get some neighbouring territory added to it by the next treaty of peace, would that be any loss or any disadvantage to this nation? Could it derogate in any manner of way from the chief end we have in view, which is that of supporting the House of Austria, and thereby preserving a balance of power in Europe? Would it be right in us to repine at the additional territory, which the king of Sardinia is to have for supporting the common cause? Would it be right in us to say, that he acquires that additional territory at the expence of this nation, because we pay him a yearly subsidy for enabling him to support the common cause? The absurdity of such reasoning is apparent; and yet we have more reason to repine at the additional territory the king of Sardinia is to acquire, than at Hanover's acquiring any additional territory by the event of the present war; because the territory which is to be added to the king of Sardinia's dominions, is to be taken from those of the queen of Hungary; consequently, the increase of power he thereby acquires, is a diminution of the power of the House of Austria, and is the more dangerous, because his whole weight may upon the next emergency be thrown into that scale, which we think is already too heavy: whereas we cannot suppose, that the electorate of Hanover will desire any part of the queen of Hungary's dominions: whatever that electorate may acquire by the event of the war, it can be no diminution of the power of the House of Austria; and though from late experience we may suspect, that the weight of the king of Sardinia may, upon some future occasion, be thrown into the French scale, we cannot suspect, that the weight of Hanover will ever be thrown into the scale of the House of Bourbon against the scale of the House of Austria, because of the connection between Hanover and England; and because of its being so much the interest of England to preserve the power of the latter, as a balance against the power of the former.

To insinuate, Sir, that the war is now continued, and this nation put to the expence of supporting it, for no other reason but to compel France and the emperor to consent to the making some addition to the territories of Hanover, is an insinuation of a most dangerous nature, with respect to our present happy establishment, because it tends to wean the affections of the people not only from their present sovereign, but from the Protestant succession in the Hanover line. Such an insinuation, when made without the most solid grounds, can proceed from nothing but a republican or a Jacobitish spirit, which are equally dangerous to our present happy constitution; and equally, in my opinion, tend to the establishment of a tyrannical and absolute government; therefore, I was surprised to hear any such insinuation made in this House, by gentlemen, who, as yet, have shewn no authentic fact, or paper, for supporting what they have thus boldly insinuated.

As for my own part, Sir, I do not pretend to be, nor is it my business to desire to be, in the secrets of the cabinet, especially with regard to foreign affairs; but from the nature of things, and from all the public accounts we have, particularly those that have been published by the authority of the court of Vienna, it is to me apparent, that the war is continued for no other reason, but to force the emperor and France to consent to such terms of peace, as may restore the tranquillity of Europe, and secure the queen of Hungary, and consequently, the balance of power, from a sudden and immediate attack from the same quarter. When the French found the flower of their army shut up in the city of Prague, almost without any practicable means of escaping; and when the emperor found himself stript of his hereditary dominions, they might per-

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haps offer an armistice to the queen of Hungary; but the terms upon which they offered it, was a plain indication, that they thereby meant only to get their army out of Prague, and the emperor's hereditary countries restored, in order to have a little breathing time, and an opportunity of renewing the attack with more vigour and better conduct. This, I say, appeared to be their only aim; and this, I am persuaded, will be the only aim of any terms they may hereafter propose, unless they are compelled, by a vigorous and successful attack upon France itself, to abandon their present ambitious projects.

This, Sir, is all, I believe, our ministers have at present in view by the continuance of the war, or by keeping the Hanoverian troops in the pay of Great Britain; for I never heard it so much as pretended by any of our ministers, or by any friend of theirs, that they had now formed a scheme for making conquests upon France, and giving them to the queen of Hungary, by way of equivalent for what she has yielded to Prussia, Saxony, and Sardinia; and as I do not believe they ever yet formed such a scheme, I cannot believe they ever encouraged the queen of Hungary to hope that they would enter into any such scheme, much less that they would agree to have it carried into execution at the sole expence of this nation. What time and the fate of war may bring forth, I do not know; but I am convinced, I say, that neither our ministers, nor the ministry of the queen of Hungary, have ever yet thought of such a scheme; and if France, by an obstinate adherence to her ambitious views, should draw the war into her own bowels, and that war should be attended with extraordinary success, so as to make the success of such a scheme not only practicable but easy, I hope, no true Englishman would be against our putting ourselves to a little additional expence, in order to have such a scheme carried into execution; for it is certainly the interest of this nation to have the power of the House of Bourbon diminished, as well as that of the House of Austria increased: and if in this successful scramble, the electorate of Hanover should come in for any additional territory, it would be most invidious in this nation to grudge it that advantage; because it is what that electorate highly deserves, both at our hands, and those of the queen of Hungary; for the elector of Hanover declared in her favour, when none of the other princes of the empire durst venture to do so; and he lent troops to this nation, when, I believe, it was impossible for us to have troops, upon whatever consideration, from any other potentate in Europe.

Having thus shewn, Sir, that the advice now proposed to be given would be in itself wrong, as well as a direct encroachment upon one of the most essential prerogatives of the crown; and having thus done what I think my duty, both as a member of this House, and as a servant to his majesty, I shall add no more till it comes to the question, to which I shall most heartily answer,—No.

Mr. *George Doddington:*

Sir; I have generally observed, that when ministers do not like the advice proposed to be given, they pretend, that the offering of any such advice would be an encroachment upon the prerogatives of the crown; but when the advice proposed to be given by parliament to the crown, is such as the ministers approve of, or, perhaps, such as they have themselves before given, the prerogatives of the crown are forgot, and the duties of parliament only are thought on; one of the chief of which certainly is, to offer, upon all proper occasions, our best advice to our sovereign; and this is never so much, or more indispensably our duty, than when we find, that ministers have given him bad advice, or seem resolved not to give him good advice, for the sake of acquiring an interest in the closet, or for fear of losing the interest they have there. The only question therefore is, whether the advice now proposed to be given be right; for if it be, the hon. gentleman's appearing in such a sanguine manner against it, will, with me, be a strong argument for our giving it; because from thence I am convinced, that our ministers neither have given, nor will give any such advice to our sovereign.

For this reason, Sir, I shall first beg leave to give you my sentiments, as to the rectitude of the advice now proposed to be given; for if I can convince gentlemen of its being a prudent and right piece of advice, it will be easy to shew, that we may give it without encroaching upon any of the prerogatives of the crown, or being in the least guilty of acting a pragmatical part. I shall admit, Sir, that, in cases which cannot be understood without enquiring into a multiplicity of facts and papers, we ought not to offer any advice, without first making a proper enquiry;

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but some cases are in themselves so plain, some measures are so apparently wrong, that we can have no occasion for an enquiry, either into facts or papers; and of this sort is the case now before us, as I hope to be able to make evident to a majority of this House. What fact, what paper have we occasion to enquire into, for proving that a million sterling given to the queen of Hungary, and king of Sardinia, for increasing their armies in Germany and Italy, would have been of more service to them and to the common cause, than our laying it out upon maintaining an useless army in Flanders, or upon the Rhine? What fact, what paper have we occasion to enquire into for proving, that our hiring the troops of any other prince or potentate in Europe, would have been of more service to the common cause, and less injurious to his majesty, with regard to the affections of the people of this kingdom, than our hiring the troops of Hanover?

Sir, these two propositions are so clear from the nature of things, that, like a strong presumption, it throws the necessity of the proof upon those that deny them; and as they have offered no proof, nor any paper, for proving what, at first view, appears to be contrary to the nature of things, every reasonable man must believe what is so affirmed to be true, and must believe so, till they see a very clear proof to the contrary. But before I enter farther into the examination of these two propositions, I must take notice of an argument made use of against the first, by the hon. and learned gentleman, which I was surprised to hear from him, and which deserves a name that, for decency's sake, I shall forbear to give it. He told us, that if our assisting the queen of Hungary with our money and navy could be of service to the common cause, our assisting her with our troops, as well as our money and navy, would certainly be of more service to the common cause. Does not every gentleman see, that this argument implies two facts, neither of which are or can be granted. It implies, that our troops have been of service to the queen of Hungary; and it implies, that we have assisted her with as much money as we could have done, had we employed no troops in her service, nor put ourselves to any expence upon that head, or under that pretence.

Can either of these facts be admitted, Sir? As to the first, it has been pretended, I know, that our sending troops to Flanders induced the king of Prussia to alter his measures, and to incline to come to an agreement with the queen of Hungary; but the contrary is notorious; for he fought the battle of Czaslaw, after he knew of our having resolved to send troops to Flanders; and if the French had joined him, and had assisted in the fighting of the battle, we are as certain, as we can be of any human resolution, that both he and the Saxons would have continued firm to their alliance with France and the emperor, and would, in a few months, have compelled the queen of Hungary to submit to their terms, notwithstanding our troops being in Flanders; for they all knew, that at that time neither Hanoverians nor Hessians would march to join us; and that the Dutch had expressly declared, that they would declare themselves enemies to whichsoever side should strike the first blow in Flanders; therefore neither the French, Prussian, nor Saxon courts could be under the least apprehensions from our sending a handful of troops to Flanders; nor could our doing so have the least effect upon either of their counsels. But the behaviour of the French generals, about the time of the battle of Czaslaw, made both the Prussians and Saxons clearly perceive a French maxim, which the court of Hanover, it seems, has since adopted and improved. To preserve the king's troops, and leave the battles to be fought by their allies, was the maxim of the French court, which the court of Hanover has improved; for their maxim is, to preserve the electoral troops, and leave the battle to be fought by those that pay them for their appearance. That this was the maxim of the French court, was suspected both by the Prussians and Saxons before the battle of Czaslaw; but the behaviour of the French generals, about the time that battle was fought, made it so plain to both, that they resolved to make it up with the queen of Hungary, if possible; and her readiness to agree to the then immoderate demands of Prussia brought the negociation to a speedy conclusion.

From this time, Sir, it is evident from all public accounts, and from the conduct of the French court, that they thought no more of pushing the war in Germany, because they saw, that if they did, they must push it solely at their own expence, and with their own armies. If they had resolved upon doing so, we ought not in common prudence to have done any thing

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to divert them from it: we ought to have thought of nothing but of enabling the queen of Hungary, by additional remittances, to levy and maintain armies sufficient to oppose the greatest armies France could have sent against her; for besides the ruin it would have brought upon France, to carry on a war at such a distance, and in a country where her armies had no safe retreat, in case of their meeting with a defeat in any general battle; the marching of such numerous French armies through the heart of the empire, would have given umbrage to all the princes and states thereof; and might, probably, have been the cause of a general confederacy against her. Therefore, if after the defection of Prussia and Saxony, France had any design to push the war by her own armies against the queen of Hungary, our sending any troops to Flanders did great prejudice to the common cause, instead of being of any service to the queen of Hungary, by diverting France from a project that might probably have ruined her. But the court of France were too wise to think of any such project: they thought of nothing but of getting their troops out of Prague, their armies safely out of Germany, and a negociation set on foot between the emperor and queen of Hungary; and so useless was our army in Flanders, that it did not prevent M. Maillebois marching from Westphalia to the relief of his countrymen in Prague; nor did our army, which we next year formed upon the Rhine, prevent M. Noailles's sending a strong detachment to bring M. Broglio and his army out of Bavaria.

But having mentioned the French design, Sir, of setting on foot a negociation between the emperor and the queen of Hungary, before I take farther notice of the operations or effects of our army, I must explain that design, in order to shew the artifice of the French, and the stupidity, or something worse, of our counsels. France knows very well, that the German empire, when united, is a body too mighty for her to encounter. She saw, that her carrying on the war, by her own armies alone, against the queen of Hungary, would not only be expensive and dangerous, but might unite the whole German empire against her: for this reason she resolved to withdraw her armies from Germany, and to leave things to be settled by a treaty between the emperor and the queen of Hungary; which she resolved on with this view, that if the queen of Hungary could be prevailed on to grant reasonable terms to the emperor, France would, by that means, get honourably out of a war, which, by the defection of Prussia and Saxony, had become too difficult, dangerous, and expensive for her to carry on; and, on the other hand, if the queen of Hungary should refuse to grant reasonable terms to the emperor, it would disoblige several princes of the empire, and might induce them to join in a new alliance with France, for the protection of the emperor, and for reducing the queen of Hungary to reason. Thus, Sir, you see that the French court had more cause to wish for a haughty obstinacy in the queen of Hungary, than for a mild compliance with such reasonable terms as might be offered on the part of the emperor: this haughty obstinacy, I fear, we have encouraged her in: if we have, we have been playing the French game for them; and I wish we may not hereafter feel the effects of it.

Now, Sir, to return to the operations and effects of our army in Germany: did they do the least prejudice to the French there, or the least service to the queen of Hungary? Our British troops, indeed, defended themselves when attacked at Dettingen; and if they had been vigorously supported, if their courage had not been restrained by the Hanoverians, they might have given the French army under Noailles a total defeat; but instead of that, they made a most inglorious retreat, and left the field clear for M. Noailles to march with his army into Bavaria, if he had a mind. If he had, I am convinced, our British forces would not, I am sure, our foreign mercenaries would not have followed him, or have dared to attack their sovereign in his own hereditary countries; but the French court had no inclination to send any more armies into Bavaria, they were before resolved to evacuate Germany, in order to leave the obstinacy of the court of Vienna to work the effect they wished for, upon the princes and states of the empire; and accordingly they represented the case, in its strongest light, to the diet of the empire; so that all the service our army did on the side of Germany, either to the queen of Hungary, or the common cause, was to encourage that princess in obstinately refusing to come to any terms with the emperor, for restoring the tranquillity of the empire, and thereby furnishing the French court with the handle

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they desired for forming new intrigues and cabals in Germany.

On the side of Italy again, our troops were of as little service. Can it be said, that our sending troops to Flanders induced the king of Sardinia to enter into an alliance with the queen of Hungary? It is well known, Sir, that he had agreed to enter into that alliance before we had resolved to send a man to Flanders. His situation obliged him to enter into that alliance; for he saw that he had no other way to avoid becoming a slave to the House of Bourbon. Can it be said, Sir, that our sending any troops to Flanders prevented the French from sending troops to assist the Spaniards in the year 1742, when it was well known, that we had no army formed there till the season for action was over? Can it be said, that our sending last summer our army to Germany, prevented the French from sending any troops to the assistance of the Spaniards in Savoy, when it is known, they had many thousands of regular troops lying idle in France, besides those they sent under M. Noailles to Germany? Sir, it is very evident, from the conduct of the court of France in this respect, that they had a mind to bring the king of Sardinia off, by fair means, from his alliance with the queen of Hungary; that is to say, by giving him a part of what the queen of Spain claimed for her son in Italy; and in order to overcome the obstinacy of that princess, they were resolved to let the Spaniards feel the difficulty of compelling the king of Sardinia, by force of arms, to submit to their terms; and this resolution, I am persuaded, the French court will persist in, if they are not forced to alter it, by a direct attack upon their own territories; so that we may, perhaps, be leading the king of Sardinia, as well as the queen of Hungary, upon the ice, by encouraging them to form schemes, which it is not in our power to enable them to execute.

Thus, Sir, I have shewn, that though we have put ourselves to a great expence in pretending to assist the queen of Hungary with troops, they have been of no service to her, with respect to the war, either in Germany or Italy; and will any gentleman say, that supposing we had not put ourselves to this expence, we could not have assisted the queen of Hungary with more money than we have done? Sir, it is evident, that if we had not thought of assisting the queen of Hungary with troops, nor put ourselves to any expence upon that account, we might have assisted her with a sum of money more than we have done, equal to the amount of the whole sum our troops have cost us; and that additional sum would have enabled her and the king of Sardinia to have raised such numerous armies as would, before this time, have drove the Spaniards out of Italy and Savoy, as well as the French out of Germany.

But now, Sir, supposing that we could have assisted the queen of Hungary with troops, and that it would have been right in us to take foreign troops into our pay for that purpose, it is apparent, from many considerations, that the troops of Hanover were the last we should have chosen. That electorate is, by treaty, as much obliged to assist the queen of Hungary as we are; and from the connection that subsists between it and this nation, as well as from the many services this nation has done it, we had reason to expect, that it would have embarked in the same cause with all its strength, and at its own expence; therefore we should have chosen to have given our money to some other German prince or princes, because thereby we might have drawn him or them into the support of the same cause with us; and it is so contrary to nature and experience to say, that no other German prince would accept of English money, that, I am sure, those who say so, ought to be obliged to prove it; especially as it must be supposed that they have such proofs, if any such there be, in their hands; and as it cannot be supposed that I, or any gentleman who argues upon my side of the question, can come at any evidence, other than the known nature of things, for proving what we affirm; I must therefore suppose, and perhaps I have some reason to suppose, that by giving the same sum to the king of Prussia we have paid for these Hanoverians, we might have drawn that prince from his neutrality, and made him a confederate with us in the war; I must likewise suppose, that by paying a less sum to the elector of Saxony than our own troops abroad have cost us, we might have made that prince also our confederate in the war; and if we had gained those two princes, the French must have deserted the emperor; he must then have submitted to our terms, and, by this means, we might have drawn the whole empire into a war against the French, who, in that case, would very probably have been deserted

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by the queen of Spain, for the sake of preserving her son Don Carlos in Italy; and then, with some reason, we might have thought of reducing the power of the House of Bourbon, or at least of that branch of it, from which this nation, as well as the empire, has most to apprehend.

I could mention a great many more reasons why our ministers should have chosen to take the troops of any other potentate in Europe, rather than those of Hanover; but as they are obvious to every gentleman's consideration, and have been, upon former occasions, fully explained, I shall add no more upon this subject, because, from what I have said, I hope it will plainly appear, that we have no occasion to enquire into facts or papers for convincing us, that an additional sum of money would have been, and will be, of greater service to the queen of Hungary or the common cause, than our troops ever were, could have been, or can be; and that we have as little occasion to enquire into facts or papers for convincing us, that of all foreign troops the Hanoverian should have been the last we should have chosen, or should yet chuse to have in our pay. These troops ought not therefore to be continued any longer in our pay, and consequently, it would be a breach of trust in us to load our constituents any longer with the expence of maintaining them. From hence I conclude, that if any proposition should be made to us in the committee of supply, to grant a sum for maintaining these Hanoverians for another year, it will certainly be rejected; but as it is necessary that we should either take other troops into our pay for the service of the queen of Hungary, or grant her an additional sum for raising new troops of her own; this change of measures should be resolved on as soon as possible, that there may be a sufficient time to provide for it. Suppose then there were something extraordinary in the advice now proposed to be given, the necessity of the thing would be a sufficient excuse; but after what his majesty said to us in his first speech to this parliament, I am surprised to hear it suggested, that our offering our advice would be an encroachment upon the prerogative: His majesty there says, that it was a great satisfaction to him to meet us assembled in parliament, especially at that time, when the posture of affairs made our counsel and assistance so necessary; and but the other day, in his speech at the opening of this session, he told us that he had, pursuant to our advice, exerted his endeavours for the preservation of the House of Austria.

Whatever his majesty's ministers may pretend to think, we must, from these words, be convinced, Sir, that his majesty does not think that our offering advice, in relation to the war, is any encroachment upon his prerogative; and indeed, common sense must convince every man that it is not: the exertion of prerogative, and the advising how to exert the prerogative, are two very different things: his majesty only is to exert the prerogative, but his parliament is to advise him how to exert it. We do not propose to prescribe: We propose only to advise; and the reason why we think it necessary to give this advice is, because we think we cannot in conscience grant money for maintaining troops that can be of no service to the queen of Hungary or the common cause, and that ought to serve at their own expence if they could. If we should now neglect to give this advice, I do not doubt but our ministers would make a handle of it in the committee of supply, and would then tell us of its being too late to think of dismissing the Hanoverian troops, because neither we nor the queen of Hungary could have time to substitute others in their room, either by new levies, or by taking other foreign troops into our pay.

This handle, I say, Sir, I am persuaded our ministers would make use of for getting these Hanoverians continued another year in British pay; and this I am convinced of, because the same motives that prevailed with our ministers at first to advise his majesty to take the Hanoverian troops into his pay, will prevail with them to advise his majesty to continue them in his pay as long as they can hope that the parliament will consent to it. Therefore the advice now proposed to be given, is an advice that must first or last be given by parliament; or otherwise we must do what, I think, would be much worse: we must refuse to grant money for them, when the affair comes before us in the committee of supply. To pretend, Sir, that we have no right to advise, because the word *consentiendum* only is mentioned in the writ, is something very extraordinary; it may as well be pretended that we have no right to enquire, because the word *inquirendum* is not mentioned in the writ, it is plain that the chief business only of each House is mentioned in the writ; and as it is the chief business of the

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other House to advise, it is the chief business of this to consent; but both may advise, both may enquire, if they will, and both must consent, before any thing can become an act of the legislature.

Having mentioned the motives that prevailed with our ministers to advise his majesty to take the Hanoverian troops into his pay, I must explain those motives a little: I think myself obliged to do so, because the learned gentleman reflected so bitterly upon those who insinuate, that the interests and views of the electorate of Hanover have had too great a share in our late measures. I know, Sir, I am entering upon a most tender point; but, I hope, I shall touch it in such a manner as to testify my being a true Englishman, without encroaching in the least upon that respect which is due to my sovereign. All kings have their frailties as well as other men: like the rest of the species they have their natural passions and affections; and even those passions and affections, that are in themselves virtuous, may be turned to a vicious use, by being pushed too far, or applied to a wrong object. As to private men, their passions and affections are left to their own government; but the passions and affections of princes are too often under the government of their ministers, with this difference, that a good minister considers only the true interest of his master, and endeavours to make his passions and affections subservient to his interest; whereas a parasitical and bad minister considers only the governing passion of his master, and in order to gain personal favour applies himself solely to the indulgence of that passion.

Among many other great qualities our present sovereign is possessed of, he has certainly that of a sincere love for his native country, which is in itself a virtuous passion, and highly commendable; but to our misfortune, this passion, when too much indulged, may lead him into measures that are diametrically opposite to the interest of this nation. For this reason, a British minister, who is a faithful counsellor, and a true Englishman, will always be upon his guard against this passion, and will take care to advise his majesty never to indulge it, at the expence or the risk of his British subjects; but a minister who, in order to make himself the sole favourite, is resolved to indulge his master's governing passion, will, notwithstanding his being an Englishman, become at once a true Hanoverian, and will every day be contriving new schemes for the interest of Hanover, however contrary they may be to the interest of England. Some such ministers, I am afraid, his majesty has had and will always have about him; and every one knows, how easy it is for a cunning, deceitful counsellor to persuade even the wisest of men, that what is agreeable to his governing passion, is not disagreeable to his true interest; for nothing is more certain, than that we easily believe what we ardently wish to be true.

From hence, Sir, we may easily see, what were the real motives that prevailed with our ministers to advise his majesty to assist the queen of Hungary with troops, and for that purpose to take 16,000 Hanoverians into his pay: from hence we may see, what motives prevailed with our ministers to advise several measures that have led this nation into a monstrous expence, and at last the balance of power into the utmost danger; and if we will allow ourselves but a little reflection upon some late measures, we cannot but be surprised to hear a gentleman pretend, that the electorate of Hanover has any merit to plead for being made a gainer by the event of the present war, or that we cannot suppose, that the weight of that electorate will ever be thrown into the balance with France against the House of Austria. Sir, the weight of that little electorate would be but a small addition to the scale of France, or that of Austria; but to our misfortune, and the misfortune of Europe, the weight of that electorate has, by a magic charm, (which, from what I have said, may be understood) drawn the weight of Great Britain along with it; and this appendant weight has been, and, I hope, always will be sufficient to turn the scale, whichever side it has been, or may be thrown into. By the expectations of Hanover, and by the promises made to that electorate, the weight of this nation was, soon after the accession, thrown into the scale of the House of Austria, which brought on a war between this nation and Spain, and procured the island of Sicily, in exchange for Sardinia, to the House of Austria: by that electorate's being disappointed in those expectations, and perhaps by a breach of some promises that had been made to it, the weight of this nation was thrown into the scale of France, where it continued till the death of the late emperor; by which means the Spanish branch of the House of Bourbon got the kingdom of the Two Sicilies, and the

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French branch the duchy of Lorrain; and by these acquisitions, and several other means, all flowing from the same cause, the scale of the House of Bourbon became so weighty, that even the weight of this nation was hardly able to cast the balance at the time of the late emperor's death.

At that time, Sir, the affairs of Europe took a most extraordinary turn, and a little examination into that turn will shew us what merit the electorate of Hanover has to plead for being made a gainer by the present war. Presently after the late emperor's death, the duke of Bavaria laid claim to the whole of that prince's succession, in direct contradiction to the Pragmatic Sanction, which this nation had guaranteed; and the king of Prussia not only laid claim to a part of Silesia, but entered that province with his army: which claim was not, however, contrary to the Pragmatic Sanction, and consequently not within the case of our guarantee. It was visible, and almost certain, that the duke of Bavaria would be supported by the whole power of the House of Bourbon; and it was as visible, that if the king of Prussia should join in that confederacy, it would be very difficult, if not impossible, to form a sufficient counter-confederacy. In these circumstances what was the interest of this nation, and indeed of Europe? Certainly, to guard, by all means, against the duke of Bavaria, who, it was plain, was resolved to risk the liberties of Europe for the sake of making good his pretensions to the Austrian succession: consequently, it was the interest of this nation, to insist upon the queen of Hungary's making it up with Prussia, in order to draw him into a confederacy for supporting her against the pretensions of Bavaria; and if this had been done, I am convinced, neither the French nor Bavarians would never have attacked her, nor would the duke of Bavaria have been chosen emperor. But unluckily for this nation, and for Europe, the Hanover ministers, and our Hanoverianised ministers here, began to form particular views of their own for the benefit of that electorate. They began to imagine, that the king of Prussia's attacking Silesia in a hostile manner, and, as they thought, without any support, would furnish them with an opportunity, by joining with the queen of Hungary against him, to annex some part of that prince's territories to the electorate of Hanover: and they concluded, that this scheme might be carried into execution without the least danger to that electorate; because this nation would certainly, and by this means other states might probably, be prevailed on to join it. They were so blinded by their fondness for this scheme, that for some months they never suspected that France would enter into a war, or endeavour to gain the alliance of Prussia for that purpose.

Whilst these hopes continued, Sir; whilst they imagined that they might without danger attempt to add some part of the Prussian territories to those of Hanover, the queen of Hungary was encouraged to hope for the most powerful assistance from this nation against his Prussian majesty, and the Danes and Hessians were taken into our pay for that purpose; but as soon as these ministers found, that an alliance and confederacy was upon the tapis, and ready to be concluded, between France, Spain, Bavaria, Prussia, and some other princes of the empire, they then perceived, that Hanover itself might be in danger, by joining with the queen of Hungary against Prussia; and from that time the electorate was so far from giving her any assistance, that the 12,000 Danes and Hessians in British pay were detained there, without being of any service to her and us; and even this nation was prevented from assisting her any other way than with a small sum granted to her by parliament, though it was certainly in our power, if our Mediterranean squadron had been properly reinforced, and properly instructed, both which it might have been; I say, it was certainly in our power to have prevented the Spaniards from passing by sea to attack the queen of Hungary in Italy.

Thus, Sir, you must see, that the electorate of Hanover has as yet no great merit to plead for being made a gainer by the present war: whilst they hoped to make some advantage for themselves without any risk, they appeared sanguine for the support of the queen of Hungary; but as soon as these hopes vanished, they not only refused to give her any assistance, but prevented this nation from giving her so much as we might have given her; and in this humour the electorate continued till the famous change in our administration here, when a new, and I must say, a bold undertaker formed a scheme for drawing us into the giving of a large sum of our money yearly to the electorate of Hanover, under pretence of keeping a large body of their troops in our pay, for the service of the queen of Hungary; upon

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which account this nation was to be permitted to exert itself a little more openly and vigorously in favour of that princess, though this was, according to what the French say, expressly against the neutrality which that electorate had begged of the court of France. I therefore know of no merit the electorate can plead before the beginning of last campaign, unless they claim as a merit, the permitting of our Mediterranean squadron to act in favour of the queen of Hungary and king of Sardinia; for, I am sure, it cannot be so much as pretended, that either the British troops, or the Hanoverian troops in British pay, were of any service before that time; and till then, I really believe, no Hanover or Hanoverianised minister had formed any other scheme in favour of Hanover, save that of giving it a large sum of English money yearly, by keeping the greatest part of its troops in our pay.

But by that time, Sir, the success of the queen of Hungary's arms had given the electorate more courage, and had, I firmly believe, given it hopes of getting some additional territory by the event, as well as a large annual sum of English money by the continuance of the war; and as we knew, that the French court had resolved to withdraw their troops out of Germany, our Flanders army was ordered to march thither, that we might from thence assume to ourselves the glory of having drove the French troops out of Germany. In the pursuit of this sham piece of glory, our army had like to have met with a very signal mischance; for if the French had thought of nothing but possessing themselves of Aschaffenburg and the river Aschaffen in our rear, and of the little rivulet between Dettingen and our front, and had fortified themselves as well as they could in those posts, which was the scheme formed by marshal Noailles, we may judge what a dismal situation our army would have been in. Upon their left was the great river Mayn, from the opposite banks of which they were continually pelted by numerous batteries of French cannon: in front and rear were rivulets and defiles, which the enemy were in possession of, and which it was hardly possible to force: upon their right were mountains, woods, and morasses, almost impassable for an army, had no enemy been in pursuit; and what was worst of all, without so much as one day's provisions either for man or horse.

Gentlemen may think what they will, but, in my opinion, this was as melancholy a situation as ever an army was in; and this situation our army was brought into by the advice of Hanoverian generals; for as I have heard, none else were at that time consulted. If the French had thought of nothing but executing their marshal's scheme: if they had contented themselves with fortifying and defending the defiles they were in possession of, his majesty and some of the principal officers might perhaps have made their escape over the mountains upon their right: but as for the rest of the army, they must, I believe, have surrendered themselves prisoners of war. This, I say, Sir, would very probably have been the fate of that army; but very luckily for us, the general who commanded the van of the French army, imagined he had got an opportunity of obtaining an easy victory, upon seeing the confusion our army was in, occasioned by their being exposed to the French batteries on the Mayn: upon this he resolved to pass the rivulet of Dettingen, and march up to attack our army in the confusion they were in; and this brought the two armies to an engagement upon equal ground, except that our troops were flanked in their drawing up, as well as they had been in their march, by the French batteries upon the other side of the Mayn. However, they made a shift to form some sort of line, and the British and Austrian troops received the French attack; for as to those of the Hanoverian that were in the line, I could never hear that they either were attacked or did attack: I say, the British and Austrian troops received the French attack with such firmness, and attacked in their turn with such resolution, that the French were obliged to retire with great precipitation, and would certainly have suffered extremely in repassing the Mayn, if they had been vigorously pursued; but here again the advice of the Hanover generals interposed, and prevented our making the most of the advantage we had obtained by the mistake of the French general and the bravery of our own troops. Therefore if the electorate of Hanover has any merit to plead, I am sure it is with the French, and not with the queen of Hungary, or any one that favours her cause.

As to the French, indeed, I shall grant, Sir, that the electorate of Hanover has great merit to plead with them; not only for the many eminent services it did them during the life of the late emperor, but

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for furnishing them with an opportunity to reduce the power of the House of Austria, by encouraging the queen of Hungary to refuse the terms offered her by Prussia upon the death of the late emperor, or at least by preventing this nation's insisting upon her accepting them; and also for joining so cordially with them in the election of an emperor, for allowing the Spanish army to sail undisturbed to Italy, and for drawing this nation into the very worst method it can take for supporting the queen of Hungary.

Let us now see, Sir, if this electorate has any merit to plead with the queen of Hungary, for what was done last campaign after the escape at Dettingen. Soon after that skirmish, our army was joined, it is true, by 6 or 8,000 of the Hanoverian troops in Hanoverian pay: but did that army ever afterwards do any thing against the French in Germany? Notwithstanding its being joined by these troops, and by the Hessians, did it not leave the French army undisturbed in Germany, till prince Charles's approach made them retire? Did it do any thing against the French after their returning into their own country? Nothing, Sir, unless its marching up to the French lines upon the Queich, and returning again with precipitation, is to be called a service to the queen of Hungary. Sir, if we had last campaign had no Hanover troops in our army upon the Rhine, I am persuaded it would have joined prince Charles's army, and both together would have passed that river at Mentz, under the command of prince Charles. In this case, I am convinced, that neither the French lines upon the Queich, nor those upon the Lauter, would have saved their country from an invasion; but we know the cause why those two armies could not join, and that cause was owing to our having Hanoverians in our army.

Thus, Sir, I think it is evident, that with regard to the queen of Hungary and the common cause, the electorate of Hanover has no merit to plead, for getting any advantage either by the continuance or event of the present war; and yet I am convinced, that this is now the chief end in prosecuting the war. If I have been rightly informed, both the emperor and France offered, the beginning of last summer, such terms for restoring the peace of Germany, as both the queen of Hungary, and this nation, ought to have accepted of; and if I have been misinformed, it is easy for our ministers to shew the contrary by laying before the parliament, authentic accounts of the negociations of last summer. If they do not, I hope they will excuse me, if I continue to think, that the only reason why a treaty was refused, was because nothing was thought on for Hanover: and that, therefore, they encouraged the queen of Hungary to reject those offers, by giving her hopes, that this nation would assist her to conquer something from France, though, I am persuaded, they themselves know the thing to be impossible, in the present conjuncture; but this was only a pretence, their real aim being to induce the emperor and France to agree to give something to Hanover; for when this is agreed to, the cause of the queen of Hungary will be no more thought on than it was, after Hanover had given up all hopes of getting a part of the Prussian dominions by an offensive alliance with that princess; and, consequently, as self-interest has been, and is still, the sole view of that electorate, I am surprised to hear its merit insisted on, by any gentleman of this House.

However, Sir, insignificant as the merits of Hanover are, I should not grudge it any advantage it might acquire, if this nation were upon that account to be at no expence, nor to run any risk; but when this nation is to be enthralled upon that account, and to run the risk of being totally undone, as an Englishman I must oppose it to the utmost of my power; and when wicked and parasitical ministers advise such measures, it is they, and not those who expose their measures, that are enemies to our present happy establishment; for if every man in this House were to be silent upon that head, the people without doors would soon find out what tools they were made of: they would soon perceive their being sacrificed to the interests and views of Hanover; and this would render every honest man in the nation not only discontented with our public measures, but disaffected to the illustrious family now upon our throne; the necessary consequence of which would be, that our present constitution must overturn our present establishment, or our present establishment must overturn our present constitution.

Having now done with the merits of the electorate, I should next, Sir, consider the merits of its troops; but as I have already shewn, that they neither have been, nor can be, of any service to the queen of Hungary, or the common cause, and that

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if they could, they ought to serve at their own expence, it is from thence plain, that we have nothing to do with them, even supposing them to be the bravest and best disciplined troops in Europe, and to be fully sensible of the benefits they have received in being transferred from Hanoverian to British pay. As to their disobeying of orders, and as to the partialities that were shewn them, and the animosities that arose between them and the British troops, it is hardly possible to suppose, that the accounts we have had of those partialities, animosities, and disobedience, should be without foundation: No gentleman can speak upon this subject, except as to what happened within his own knowledge; and when we consider how dangerous it is for any gentleman in our army to speak the whole truth, and nothing but the truth, upon this head, we need not wonder at the learned gentleman's being very unsuccessful, and, perhaps, egregiously misinformed, in the enquiries he has made as to the behaviour of those troops, the partialities that were shewn them, or the animosities that arose between them and the British. But as the learned gentleman acknowledges, that such animosities are very apt to arise between troops of different nations, I hope he will acknowledge, that it was not very prudent to take Hanoverian troops into our pay, and that now we have had experience of the consequence, it would be the height of madness to continue them in our pay, because those animosities may breed disaffection in our army, where it is certainly the most dangerous, because upon our army we seem of late years to have chiefly depended, for our protection against the Pretender and his adherents.

What success I may have had, Sir, I do not know; but I think I have shewn, that our continuing the Hanoverians in our pay, can be of no service to the common cause; that we have no occasion for enquiring into any facts or papers, in order to be convinced of this truth; that the continuing them in our pay, may spread disaffection in the army, as well as among the people; that therefore his majesty ought to be advised to dismiss them; that we cannot expect, that those ministers who advised his majesty to take them into his pay, will ever advise him to dismiss them; that therefore this advice ought to be, and may be given by parliament, without encroaching upon the prerogative of the crown; and that this advice ought to be given as early as possible. All these things, I think, I have fully demonstrated, and therefore I hope the motion will be agreed to.

The House divided, and a negative was put upon the motion by a majority of 231 to 181.

*Debate in the Lords on continuing the Hanoverian Troops in British Pay**.] December 9. This day the following memorable debate took place.

Lord *Sandwich* rose and said: †

My lords, I am not incited to speak this day by any confidence in my own abi-

* This Debate is taken partly from the Gentleman's, and partly from the London Magazine.

† The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Lord Sandwich moved an Address on the Friday following in the House of Lords to the same purport with that proposed in the House of Commons, but with the addition of the following words: "to prevent the heart-burnings and jealousies which have arisen in the minds of his majesty's faithful subjects at home and his British forces abroad."

The Lords who took a share in the Debate were as follow:

For the Address.	*Against it.*
1. Lord Sandwich.	2. Lord Carteret.
3. Lord Talbot.	4. L. Cholmondeley.
5. Lord Hallifax.	6. Lord Raymond.
7. Ld. Westmorland.	8. Lord Winchelsea.
9. Lord Haversham.	10. Lord Bathurst.
11. Duke of Bedford.	12. Lord Carteret.
13. Lord Chesterfield.	14. Lord Chancellor.
16. Lord Lonsdale.	15. Lord Carteret.
19. Lord Litchfield.	17. Lord Morton.
	18. L. Cholmondeley.
	20. Lord Tweedale.
Content 36.	Not Content 71.

Lord Sandwich, in that part of his speech where he mentioned the refusal of a considerable body of Hanoverians to obey lord Stair's orders in the action, told a story of lord Orkney, who, being appointed to attack part of the French lines at the battle of Malplaquet, met with so vigorous a resistance, that he sent his aide-de-camp with orders to bring up some battalions of Prussian foot to his support; their commanding officer refused to obey

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lities, or by a vain opinion that I am able to give any information to your lordships, or qualified by any uncommon degree of eloquence, or of penetration to detect error or treachery, or recommend truth or virtue. I speak only because, in my opinion, my duty to my country forbids me to be silent, as no Englishman ought to sit down either in tranquillity or despair, when he sees those to whom the care of the public is committed, engaging in measures apparently destructive to them with whose happiness they are entrusted, and prosecuting designs, which, whether they succeed or fail, must injure the interest and honour of the kingdom.

That such measures, my lords, are now pursued; that England has no longer the honour of being the arbitress of the continent; that she is considered only as the

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any directions but such as came through the channel of his general count Lottum. Lord Orkney repeated his orders, with menaces, that if they were not instantly complied with, the officer should answer it at his peril; upon this second message, the Prussians marched to his assistance, the attack was renewed, and the French entrenchments forced. When the action was over, count Lottum told my lord Orkney, that he had acted like a man of spirit and experience; and if the officer had not obeyed him, he would have deserved to have been shot at the head of the battalion.

I have often heard lord Carteret speak with more discretion and true spirit than he did in this debate, but never in such a strain of confidence, which was carried even to a degree of rhodomontade. He threw out a great many strong expressions (what the Roman orator would have called *verba ardentia)*, but not always with a proper foundation of argument to support them. The first time he rose was, (as he said himself) to clear the way for a debate, by stating facts. He assured the House that he never heard during the time of his being in the camp, that a Hanoverian officer had refused to obey lord Stair's orders. He was confident that noble lord had never complained of it to the king (as it was his duty to have done), and from thence inferred it was impossible to be true.* He likewise mentioned a story which had like to have occasioned a mutiny between the English and Hanoverian corps at Worms, which, upon enquiry, appeared to be false in every part; and compared it with the fiction of the Roman Legionary, in the first book of Tacitus's Annals: and commended the king's conduct, who, he said, had shewn himself an excellent prince and a valiant commander.

Lord Chesterfield's performance was much cried up, but few of his admirers can distinguish the faults of his eloquence from its beauties. The substance of it is interwoven into the Protest, which is in every body's hands, and therefore I need say the less of it here. One flower I cannot pass by, as being not thought worthy to be preserved in print; in speaking of the discontent in the army, which succeeded the general joy for the victory; "My lords," (said he) "the triumphal laurels yet green upon their brows, were soon overshadowed by the gloomy cypress." He rallied Carteret and Bathurst with great smartness: "It is pretty odd, that the noble lord did not hear of a fact so well known in the camp to be true, but really at this distance, it is not so easy to tell with whom he might wholly converse; it might be with those" (meaning the Germans) "from whom it was not to be expected he should hear it." The latter told us, that he expected even to gain popularity by opposing this measure in six months: "I remember that noble lord as popular as any man in the kingdom; whether his situation in that respect is changed, I will not pretend to say; but any additional popularity which he will gain by voting against this Address, for my own part I shall not envy his lordship."—He complimented both lord Stair and the duke of Marlborough, and appealed to the latter for the truth of the facts upon which the motion was founded. The former he described as one possessed of all the judgment and experience of age—the activity, the spirit of youth. He blamed the not breaking down the bridge at Aschaffenburg, and making

* Whilst he was speaking to this fact, I was assured that the Prince enquired of the Duke, who sat next him, as to the truth of it; who answered, that it was undoubtedly true; and lord Stair told a particular friend of mine, that his aid-de-camp, col. Stanhope, (who carried the orders) assured him, that he had himself acquainted lord Carteret with the refusal of the Hanoverian officers: the reason my lord gave for his not complaining was, that as the king had stopped the pursuit just after, he thought it not proper to complain in form against an officer for not taking a step, when his non-compliance was soon after authorized by his majesty's own directions.

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ally of an electorate, there is reason to suspect, from the general discontent that overspreads all ranks and orders of men amongst us; from the flame which has been kindled by reports uncontradicted, and which still continue to spread among the people.

The suspicion alone might be sufficient to alarm us, if we retained any part of that laudable jealousy which constitutes patriotism, and by which the predecessors of your lordships have been so frequently distinguished.

But surely, my lords, when suspicion is heightened into certainty; when we no longer believe but know that the public is

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no further advantages of the victory we had gained:† the conclusion of his speech was exactly the same with the last paragraph of the Protest.

Lord Carteret spoke again in the debate, but with such indiscretion, and in so tragical a manner, as has much lowered him in the opinions of mankind: "to have demolished the bridge," he said, "would have been below our dignity: the army was saved by that resolute appearance; it intimidated the French so far, that they durst not attack our rear." He defended the not pursuing in the action by the example of count Steinbock at the battle of Gadebusch: it was often prudent to let the enemy run away, lest the fortune of the day should turn; and there was no necessity for hazarding another engagement, because we knew the consequences of the first would oblige the French to quit the empire, and the king then become *sine clade victor*. He quoted Horace once more, in giving the House an account (which he did with great pomp) of the protection which the emperor sent to ask of his majesty for himself and his family at Frankfort, *Jacentem lenis in hostem.*—The finest stroke in his speech was his appeal, not to the people of England who had reaped the benefit of the king's wise councils and vigorous measures, but to those who had received detriment from them—France and Spain: that thought he worked up like an orator; as likewise the bad effects which might attend the not throwing out this question, by forcing our allies to make their separate treaties, seemed to carry great weight with them.

I am sorry I did not take notes of Lord Chancellor's speech: to give an account of it upon memory, would be to do it injustice. It was certainly a judicious and masterly performance, and gave a general satisfaction: Two principal points upon which it turned were, 1st, the impossibility of hiring other troops in time, if these were dismissed; and 2nd, the impropriety of grounding a resolution of the House upon vague rumours, and stories of jealousies and partialities, not coming in a proper manner before them, or supported by any authority, but what was called public notoriety.

Lord Morton spoke for the first time: he declared himself against the Address, as the troops would continue in our pay no longer than the 25th, and if it passed, the House would seem to force the king upon a step, which he might take *ex mero motu*, to satisfy his people: besides, it would be to welcome him home after victory with reproaches; whereas the Romans after a signal defeat had received Varro with respect merely "Quod de Rep. non desperasset." However, he reserved to himself a liberty of voting as he thought fit, if the question should come before their lordships again, about hiring these troops for another year.

† It may not improperly be set down here, that the king assured a friend of mine, that he was extremely desirous of attacking the French after the battle, but the want of powder in the army was so great, that it was thought not advisable to hazard a general engagement, and Noailles had an opportunity of decamping before a sufficient quantity could be provided for all the troops. Whatever was the occasion, it is much to be lamented, that the army lay so long inactive at Hanau: their long residence there produced those ill humours amongst them which now give us so much trouble, and to which business would have given another turn. The refusal of the 10 squadrons of Hanoverians to obey lord Stair's orders, seems to have proceeded entirely from the ignorance of the officer who was at their head, and not from any formed intention of disregarding the commands of the British general; for when col. Stanhope was sent a second time with positive orders from lord Stair to those squadrons to advance towards the enemy, he was met by a major-general in the Hanoverian service, whom he acquainted with the refusal he had met with upon his first message; the other replied, The officer who commands is ignorant of his duty, and has done wrong; you may return to lord Stair and tell him from me, that I will take it upon myself that those squadrons shall immediately march. Col. Stanhope accordingly rode back to his general, but just as the Hanoverians were beginning to put themselves in motion, positive orders came from the king himself to stop the pursuit; how obtained I am as yet to know.

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betrayed; when we see our countrymen insulted by those who take our pay, and are, perhaps, indebted to our protection for the continuance of their nation; and who, doubtless, owe to our liberality their exemption from that misery and poverty in which their ancestors languished; when we see our honour trampled, by those whose insolence is excited only by our indulgence, and our resentment defied by those who are considered by mankind only because they are our confederates; it is surely necessary to break through the restraints of timorous caution, and to shake off the slumber of idle negligence; it is surely necessary to rouse in vindication of our country, and to endeavour to awaken those who suffer their zeal to be lulled by false asseverations and specious professions.

That this is now the state of England is too evident to be any longer doubted; every account which has been received from our troops brings some new instance of the uselessness or insolence of the forces of Hanover, which are retained by us, and which your lordships cannot but remember to have been hired in opposition to the general opinion of the nation, in opposition to the most powerful arguments which were produced, with an apparent neglect of all the consequences which were foreseen and foretold, and in open defiance of calculation and precedents.

If your lordships shall be pleased to recollect the debates to which the proposal of hiring the troops of Hanover gave occasion, and compare them with the accounts which have been every day transmitted to us, there will appear so exact, so unexpected a conformity as cannot be remarked without astonishment; it will be found, that whatever was predicted of the evils which that detestable contract was imagined likely to produce, has been now verified, and that inconveniences have been discovered, which either no man was capable of suspecting, or which those who did suspect, were unwilling to mention.

I believe no man suspected, that the troops of Hanover, the inhabitants of a wretched corner of the earth, scarcely heard of in Europe, till its sovereign was raised to the throne of this empire, would have been preferred on all occasions to the natives of England; that the king of England would have thought them worthy to be intrusted with the charge of his person; that he would, on the most solemn occasions, shew himself proud of appearing at their head; that when quarters were assigned to the confederate forces, mercenaries, useless, contemptible, unpopular mercenaries, would be accommodated at the expence of those by whom they were maintained, and fatten in plenty and ease, when the English troops were languishing with famine, and overwhelmed with hardships!

These, my lords, were enormities which were not suspected before they appeared; but which have appeared so openly as not to leave any place for doubt; they have been made notorious, my lords, not only by repeated intelligence, but by consequences which sufficiently discover their cause. The Hanoverians were so elated with hourly preference, and apparent favour, that they forgot their subordination, and not only refused to perform their duty as mercenaries, but insulted the English, insulted those by whom they ought to have been commanded.

Of their disobedience, my lords, no other instance can be required than that of their behaviour on that memorable day; on which it appeared, how little the sons of England stand in need of foreign assistance to repress the arrogance of France; that day when the English, misguided and surprised, oppressed by famine, and weakened with hardships, and perhaps dispirited with partiality, yet drove the French by thousands before them, and preserved their monarch from captivity, whom his darlings of Hanover could not have defended. On that day, my lords, when the French had lost their confidence of victory, and began to fly before the genius of England, lord Stair, who had the command of the confederate army, ordered the Hanoverians to pursue the enemies. It might have been imagined, my lords, that to pursue flying troops was no very dangerous service, and that even the valuable troops of Hanover might have been ventured upon such an expedition; but their general appeared to entertain a different opinion, and seemed to imagine, that he and his regiments were retained only to be reviewed, or to guard the person of the king, and that they were to partake none of the hardships of the march, or the hazards of the battle, but were to stand idle spectators of the English bravery, without endeavouring to assist those by whom they were hired, and hired at a price which they could not deserve by their utmost zeal, or most unwearied activity.

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Full of these equitable notions, the Hanoverian General, when he received from lord Stair orders to pursue the French, by which the field might have been secured, and the victory completed, answered, that he was not subject to British command; an answer, my lords, which could scarcely be credited, and which nothing could have produced but confidence of impunity, and consciousness that the preservation of the Hanoverians was more desired than the destruction of the French, the re-establishment of Austria, or the honour of England.

With regard to this apparent neglect of duty, this open violation of orders, I have consulted a great number of officers, justly celebrated for their knowledge and experience, and find them unanimous in declaring that the Hanoverian General, considered as a hireling, was guilty of mutiny, that he ought to have been cited before a court martial, and to have suffered the most ignominious death.

Of such determinations, my lords, there are not wanting precedents in former reigns. At the battle of Malplaquet, when one of the commanders of the auxiliary troops refused to march at the command of lord Orkney, a second message was sent, by which he was informed, that if he persisted in his disobedience, he should be publicly put to death for mutiny; this roused him from his dream of independence, and reminded him that he was there only a mercenary, and consequently subject to the command of those by whom he was paid: he therefore shewed some regard to life, though he had none to honour, and finding it less dangerous to obey his general than to defy him, complied with his orders, and led his troops against the enemy, and, after the battle, confessed his error, and allowed that the British General had a right to his obedience.

I believe none of your lordships doubt, that lord Stair had sufficient spirit to have resented the neglect of his orders with equal warmth, and to have enforced obedience with equal rigour; but, my lords, from the time at which his majesty arrived at the camp, the general found himself nothing more than a nominal commander, without authority and without power: he had every day the mortification to find that his commission was only an empty form, to which the army knew that no regard was expected; and saw, that opportunities were every day taken of weakening his influence, impairing his reputation, and harassing him to a resignation of that title which was not supported by any real dignity.

He never was consulted with regard to any measures that were proposed, nor ever summoned to a council of war; the omniscient Hanoverians had the unrivalled direction of every movement, nor was the advice of any other man regarded or required. How capable they were of regulating the plans of war, the success sufficiently demonstrated; for by their counsels the army was brought into such a situation, that had not the officers of the enemy neglected their duty, or mistaken their orders, it had been totally destroyed.

Such was the contempt that was on every occasion shewn to this great man, that he thought it no longer consistent with his honour to retain the title of general, where he had lost the power, or to expose himself to be censured for those miscarriages, which he found himself unable to prevent; he saw, that the king resigned himself wholly to his fawning ministers and Hanoverian generals, and therefore generously resigned on the day of battle, a command in which he might disgrace himself, but could do no service to his country.

Thus, my lords, was England deprived at once of the counsels of her most penetrating statesman, and the arms of her most experienced and bravest warrior; thus was the honour of our country, and the success of our undertakings sacrificed to Hanover. In lord Stair, were lost all that nature or that experience had ever furnished to complete a general: a mind at once calm and intrepid, a temper at once active and resolute; qualities of which if any recommendation could be imagined necessary, it may with justice be affirmed, that they are recommended by a thousand testimonies of the firmest adherence to his majesty, and by sufferings for the sacred cause of liberty and justice.

We cannot wonder, my lords, that the Hanoverians, elated with the proof which the removal of this man had given of their influence, proceeded to insult the rest of the English officers; nor is it necessary to give many particulars of their insolence, when we find that neither the rank nor the merits of a noble duke, whose name cannot be mentioned, but to the honor of England, were not sufficient to exempt him from it. On this occasion, my lords, he shewed, that he was not inclined to for-

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get either his own honor or that of England, and that he would not give way to a man who had no other claim to superiority than that he was not a native of this kingdom; and therefore, with a degree of spirit worthy of his birth, he resigned that commission which only exposed him to insults and contempt.

I shall forbear to enumerate all the circumstances of this affair, because whatever pleasure I might receive from the detail, of which every part would afford us new instances of the generosity and magnanimity of the noble duke; I know that he could not hear it without that uneasiness which merit, however justly celebrated, always suffers from its own modesty; and I am not so desirous of indulging my own inclination as to give him pain for my own pleasure.

Many other instances might be produced of the contentions and jealousies which were produced after the junction of the two armies, by the natural opposition of English honor to Hanoverian insolence; instances which I shall not weary you with recounting, because I cannot suppose, that any of them which are echoed through the nation can be unknown to your lordships, and because they may perhaps be more properly introduced, and more distinctly related by those who had opportunities of knowing them with more exactness.

Of these facts, however, a very transient and imperfect view is sufficient to discover to us, that the Hanoverians can be of no use, united with the English; that an irreconcilable hatred is kindled between them, which will prompt them rather to hinder than promote the success of each other; nor can I think it improbable, my lords, that the English, after having been refused assistance by the Hanoverians in one action, may be inclined to desert them in another, and rejoice to see those troops dispersed and shattered, from whom they can expect no advantage, and which yet exclude them from commodious quarters, and swallow those provisions by which better soldiers might be supported.

It is therefore not only for the sake of the English troops, which have been starved, insulted and exposed, but of the Hanoverians, who may be hereafter punished for their insolence, that I think it necessary to find some expedient by which those who can never be firmly united, may be totally separated, by which each army may be alloted to its particular station, where it may be employed wholly against its enemies, without any fear or hatred of its allies.

Of the necessity of this separation the whole series of his majesty's conduct, and all the transactions of the last summer, are unanswerable evidences; for to what can it be imputed, that by an army so numerous, so little was performed, but that it appeared dangerous to undertake any great enterprise with troops who could not trust each other, or because it was never intended, that the warriors of Hanover should see danger, or feel hardships; and it was imagined sufficient honor to the despicable English, that the Hanoverians would receive their pay, consume their victuals, accompany their march, and usurp their quarters.

It is without the least doubt or hesitation, that I mention on this occasion his majesty's conduct; for it has been lately shewn beyond controversy, and it appears from the whole tenor of our laws, that his majesty's conduct is the conduct of his minister; and is therefore the proper subject of our enquiries. His bravery, indeed, his intrepidity, and his presence of mind in the heat of battle, are certainly his own, not communicated by his minister or his generals; and the praises therefore which they deserve, I hope none will be found desirous of denying.

But while we pay due honour to the personal virtues of our sovereign, let us not give his ministers or his counsellors any reason to imagine, that they are included in our acclamations, nor any opportunity of sheltering themselves from crimes behind the royal banner, or suffer them to deck themselves with the garlands which are offered only to their master, and to him only, for his personal excellencies: let us, even while we admire the behaviour of our king, not fear to exert our own rights, by examining his conduct.

In this examination, my lords, I need not endeavour to prove what is evident to all mankind, that nothing has been performed proportioned to our expences; nor need I shew what is equally known, that our operations have been hindered by an absurd conjunction of troops, who consider themselves as more injured by each other than by their enemies; troops whose interests are not to be reconciled, and whose animosity is not to be repressed.

It is more necessary in this exigence, when the fate of kingdoms may depend

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upon our resolutions, to consider what measures may most probably restore to us that power and influence which we have lately suffered to be so much impaired, and by what means that spirit which, in the reign of queen Anne, broke the barriers of France, forced its way through all the obstacles which art or nature raised against it, and drove the tyrants of the earth before it, may be again kindled in our troops; how discord and discontent may be banished from our country, and how we may be again united in the great and generous design of re-establishing the liberties of Europe.

It is with this intention, my lords, and with this only, that I shall offer a motion to which, in my opinion, no just objection can be made; and which, as it will be approved by the whole nation, will, I hope, meet with no great opposition in this House, which ought to be considered as the repository of the rights and the defence of the liberties, not only of the English nation, but of all the western parts of the world, which must all in a short time fall under the power of France, if the English are not separated from their insolent allies. I move, therefore, "That an humble Address be presented to his majesty, that his majesty will be graciously pleased to give orders, that the 16,000 Hanoverians, now in the pay of Great Britain, be no longer continued in the service of the nation, after the 25th of this instant December, thereby to put a stop to the jealousies and heart-burnings among his majesty's faithful subjects at home, and his British forces abroad."

Lord *Carteret:*

My lords; as I foresee that the noble lord's motion may occasion a long debate, and as I am willing to save your lordships' time as much as possible, I stand up thus early to prevent the debate's turning upon facts absolutely false, or very much disputed; for neither of these will ever, I hope, be admitted as a proper foundation for any resolution of this House.

The noble lord seemed to lay the whole stress of his argument upon prophecies, which, he says, were last year uttered in this House, and which, he says, have been all already fulfilled. I shall be far from derogating from any of your lordships qualifications: I believe, we have in this assembly as many and as great qualifications as are to be found in any assembly in the world; but, for my own part, I have always believed, that the spirit of prophecy has long ago ceased, and I have the greatest authority for this my belief. By human foresight some things may, with a degree of probability, be foretold; but if the foresight of this assembly were to depend for its character among mankind, upon what the noble lord says was foretold last session, the world would have reason to conclude, we had no foresight amongst us; for I will take upon me to affirm, and I hope to be able to shew to your lordships, that no one of the prophecies that have been mentioned, has been as yet fulfilled, nor, in all probability, ever will. When I say this, I must caution your lordships against giving rashly into a belief of vulgar reports, which are often invented by malice and propagated by faction. Such reports are but too easily believed by the vulgar and unthinking part of mankind, especially when they are such as are generally wished for, or generally feared; for they are then swallowed by the multitude with a sort of ravenous appetite; but I hope they will never be allowed to enter into any of your lordships' deliberations.

Now, my lords, with regard to the prophecies that have been mentioned: we were last session foretold, it seems, that the Hanover troops neither could nor would be of any service either to us or the queen of Hungary, because they had no courage, and because they durst not fight against their sovereign the emperor; and this prophecy, it is said, has been, in every part, fulfilled. As I was, during the whole of last campaign, or much the greatest part of it, an eye-witness of what passed, I hope, it will be allowed, that I am a more competent judge than those who form their opinions from what they have heard at second or third hand; and as I have been at Hanover, it must be allowed, that I know the country and the people better than those that never were there. What secrets there may be in nature, we cannot determine; but I profess, that in all my travels, I never could find any thing in the climate, the soil, or the nature of any country, that could be assigned as the cause why the men of that country should be more brave or more cowardly than the men of any other country, and therefore I am apt to believe, that the courage or cowardice of troops depends entirely upon their discipline and the nature of the government they live under. The people of Hanover are naturally a robust, hardy people, and no government in the world is

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better calculated for forming good soldiers than that government has been under the reigns both of his majesty and his father; for courage and military knowledge have been almost the only qualifications, whereby a man could expect to raise himself to any supereminence in his country. Then as to the discipline of the Hanover troops, I will assert, from what I have seen of them, both at home and in the army, that no troops in the world are more masters of military discipline, or more exact in the observance of it.

We are not now, my lords, to form a judgment of the Hanover troops, from what happened in the wars either of king William or queen Anne. Such of them as were then in the confederate army, were but newly raised, and such troops, let them be of what nation they will, never behave so steadily or so intrepidly as veteran and well disciplined troops. Such the troops of Hanover are which we have now in our army, and no troops could behave better than they did at Dettingen, whatever reports may have been spread to the contrary. They there took up the posts assigned them by our generals, who had the chief command, and they held those posts in spite of all the enemy could do against them. In those posts they suffered a great deal, as well as the other troops that were engaged; and if the posts were not so dangerous, or if they suffered less than the British troops, it was not owing to the nature of the posts they possessed, but to the enemy's not attacking in that place with the same vigour they attacked in the place where the British troops were posted.

I know, my lords, it has been said, that some of the Hanoverian troops refused to engage, and that others of them refused to pursue the flying enemy, when commanded to do so by our general. Both these stories have gained some credit at home, but neither of them did I ever hear of till I arrived in London. The first might, perhaps, have arose from this accident: a body of the Hanover troops, together with a body of our own, were posted as a rear-guard, or corps-de-reserve, and ordered to continue in that post till further orders: if they kept that post, if they refused to advance without orders, it proceeded not from their cowardice, but from what is more necessary and more useful in an army than courage, I mean, a strict observance of military discipline. And as to the other story, I am persuaded, there never was the least foundation for it. If there ever had, I am sure, I should have heard of it. The noble lord who had the chief command, under his majesty, of all the British troops, as well as the troops in British pay, is well known to most of your lordships; and every one that knows him must be convinced, that he would not have submitted tamely to such an affront, as that of a disobedience to his commands. If he had resented it, or if he had complained, I should certainly have heard of it in the army; and as I never did, I must suppose, there never was the least occasion for any such complaint.

But upon all such occasions, my lords, it is surprising to consider how groundlessly stories may be raised, and with what greediness they may be swallowed. I myself remember, when I was last summer in the army, a British officer in high command, came one morning to see me, and in sort of surprize asked me, if I had not heard the news? What news, says I? Why, our camp is all in an uproar, says he, on account of an accident that has happened: one of our serjeants, with a soldier along with him, having gone out to buy some provisions, and returning with their purchases, were met by twelve Hanoverians, who attempted to rob them of their provisions, and upon their refusing to deliver, the Hanoverians fell upon them with their drawn swords, and murdered the serjeant, but the soldier made his escape, and by his report has alarmed the whole camp. As I immediately foresaw, that such a story, even though without foundation, might be attended with fatal consequences, I begged of him to mount his horse directly, and make a strict enquiry into it, that the story, if false, might be prevented from spreading, and that if true, the offenders might without loss of time be taken up and punished. He did so; and upon enquiry it was found, that there was not the least foundation for such a story; yet it was not easy to convince the soldiers of its being false; for they continued for some days to tell it one another with some sort of credit, though no one could tell who the serjeant was, or what regiment he belonged to.

I mention this, my lords, only to shew, what little credit ought to be given to many stories that pass current in an army; and to such stories as these, I believe, is owing the bad opinion some people here at home have formed, of the courage of the Hanoverian troops; for from all that I could see, and from all I could hear from

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gentlemen who were present with them in the action, they shewed as much true courage, and as much obedience to the commands of their superior officers, as any troops ever did: from whence, I may with reason conclude, that they could do us as much service as any other troops whatever: and that they would, or were willing to do us service, is evident from their being always ready to march wheresoever they were commanded by our generals. It is a mistake, my lords, to say, that the Hanoverian troops durst not fight against the emperor, because he was their sovereign, and elected with the concurrence of their master. The emperor neither began nor does he now carry on any war against the queen of Hungary, as emperor: he is engaged in war against her only as duke of Bavaria; therefore, whoever assists the queen of Hungary in that war, does not fight against the emperor, but against the duke of Bavaria; and consequently the members of the empire may assist either the one or the other, without committing a breach of any law of the empire. If our army did not attack the French, it was not owing to any backwardness in the Hanoverians, but to our not having an opportunity to attack them with any advantage: and it is a maxim in war now generally received, never to risk a battle unless you have an evident advantage. Besides, common prudence, and the regard we were obliged to shew to the sentiments of some of the neutral powers of Europe, made it necessary for us rather to wait for than begin the attack.

These considerations, my lords, prevented our attacking the French before the battle of Dettingen; and after our army was joined by the Hessians that were then upon their march from Flanders, and the Hanoverians then upon their march from their own country, we had no opportunity to attack them in Germany, because they very soon after retreated, not only over the Rhine, but quite into their own country, where as soon as they arrived, they were joined by such numbers of their own troops, that it was not in our power to attack them. Till prince Charles could force a passage over the Rhine, the most we could do was to prevent our being attacked, and to send some parties into the French territories to raise contributions. Our march to the Queich was not with a design to engage the French army, which far exceeded ours in number, but to draw as many of their troops down the Rhine as possible, in order to procure a passage for prince Charles's army; and when we had drawn the French troops down that river, it was right in us to retire, rather than venture an engagement against an army so much superior in number. If prince Charles could have passed the Rhine, we should probably have had another engagement, I hope, another victory; in which case, both armies would have been able to take up their winter quarters in France; but as he could not force a passage over the Rhine, this, and this alone, was the true reason why last campaign passed over with so little action.

But, my lords, though the campaign passed over without much action, it cannot be said to have passed over without great success. The queen of Hungary is now in quiet possession of all Bavaria, the emperor has been obliged to agree to a suspension of arms, the French troops have been forced to evacuate Germany, and that country is again restored to a state of tranquillity: the French, who but lately thought of nothing less than giving laws to Europe, have every where been beat back into their own country, and even there they have not been able to prevent the incursions of the enemy. These are the successes of the two last campaigns, and these are chiefly owing to the wise and vigorous measures his majesty has pursued, and the proper methods he has taken for giving the queen of Hungary the most effectual assistance. Therefore, if we take experience for our guide, I am sure, we will not advise his majesty to alter those measures, much less to dismiss those troops that have already contributed so much to the success of the common cause.

Another prophecy, my lords, which is said to have been fulfilled, is that which relates to the disaffection and discontent that are pretended to have been raised by our taking Hanoverians into our pay; but this is a fact that depends upon the mere *gratis dictum* of those that aver it, and it is a fact that no man can judge of from what is said by those he converses with; for if he keeps company with the disaffected or discontented, he will from thence suppose, that disaffection and discontent generally prevail, and that they are propagated by every measure the government pursues, though neither, perhaps, extends beyond the circle of his acquaintance: and if he keeps company with those that are true friends to the government, and sa-

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tisfied with the measures pursued, he will suppose, that there is no such thing as disaffection or discontent in the kingdom, perhaps at the very eve of the people's breaking out into a general insurrection. The most certain way therefore of judging either of the disaffection or discontent of the people in general, is to judge of the principles upon which the government is founded, and the measures it pursues; for when the principles are true, and the measures right, no general disaffection or discontent can prevail, if the people are not egregiously deceived and misled. That some very extraordinary, as well as very bold methods have lately been taken to deceive and mislead the people, I shall readily admit; but the principles upon which our government is founded are so true, and the measures lately taken will, in the end, prove so right, that the fomenters of disaffection and sedition will, I hope, find themselves egregiously mistaken. Even that of our taking the Hanover troops into our pay, notwithstanding its being at first so monstrously misrepresented, begins already to appear in its true light; and from the good consequences that have ensued, every one is already reconciled to it, except such as are resolved never to approve of the government's measures, unless they have a lucrative place under the government.

I say, my lords, the good consequences that have ensued; for will any one say, that we could have marched an army into Germany, if we had not taken the Hanoverian troops into our pay? And if we had not marched an army into Germany, will any one say, that the French armies would have left it, or that the emperor would have concluded a suspension of arms with the queen of Hungary? As this happy change has been brought about solely by our taking a large body of Hanoverians into our pay, the wisdom of that measure must from thence appear evident to every one that is not in his heart disaffected to the illustrious family now upon our throne, or resolved to be discontented with every measure of government, till he himself has a share in it; and of this last stamp, I am afraid, we have by much too great a number in this unhappy country. But thank God! we neither have nor can have any such in our army: they have, and always must have their share in the government of their country; and as they are bred up in the knowledge of rank and subordination, they can never desire more than their share. As long as they see a due regard shewn to merit and service, in which, it is well known, his present majesty has always been nice to a punctilio, and as long as they see the enemies of their country fly before them, they can never be discontented with the government under which they serve. The discontent that is said to prevail among our troops abroad, must therefore be a mere chimera, and the cause assigned for it is founded upon stories as false as any that were ever invented. To pretend, that any unjust preference was shewn last campaign to the Hanoverians, is known to be false by every man that was there, and had curiosity to enquire into, or judgment to discern the truth of things. As men are naturally jealous, and too apt to think that a due regard is not shewn to their merit, it may be supposed, that some such stories were spread among the common soldiers, and that they might gain credit even among the inferior officers, but upon a proper enquiry they soon evanished, and every man was convinced of their having no foundation. I am therefore persuaded, that our taking the Hanoverian troops into our pay, is not now the cause of any disaffection among the people or discontent in the army; but our dismissing them at such a critical conjuncture, may very probably be the cause of both; for an unlucky issue of the present war, as it must throw this nation into the utmost distress, would certainly spread a general disaffection among the people; and if our troops should find themselves obliged to yield to numbers, and to fly before a victorious and insulting enemy, such a misfortune could not fail of breeding discontents in our army.

What the views of the court of Vienna may be, my lords, I shall not pretend to determine; but this I am convinced of, that his majesty has no view but that of securing the balance of power, and preventing the ambitious designs of France. Till this can be done, we must keep foreign troops in our pay, and when this can be done, I am sure, his majesty will be far from desiring to keep either Hanoverians or any other foreign troops in his pay; but to pretend, that any sort of terms proper for this purpose have as yet been offered either by the emperor or France, is a fact that has as little foundation as any of the other facts that have been so roundly asserted. I am persuaded, that the terms offered last summer

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have been very grossly misrepresented to the noble lord who made this motion, otherwise he would not have so much as insinuated, that they could have been made to serve as a basis for a general treaty of peace. They were so captious and ensnaring that, if both his majesty and the queen of Hungary had not had a most ardent desire to put an end to the troubles of Europe, they would at first sight have rejected them with disdain, as every one of your lordships would be fully convinced of, if it were proper or consistent with the public safety to lay the whole of that negociation before you. But this is not the first time that our administration have been treated in this manner: facts are invented or misrepresented by our foreign enemies, because they know, that our ministers cannot, without a breach of trust, effectually defeat them: As ministers in all countries have domestic enemies, those inventions and misrepresentations are greedily believed by such as are their enemies; and to the misfortune of this country, they may be, and are made use of, not only for supporting an opposition in parliament, but for sowing sedition among the people. This, I say, is a misfortune, but it is a misfortune we must submit to, as long as we enjoy liberty; and for this reason our ministers ought to bear it with patience, till time, which is the touchstone of politics, furnishes them with an opportunity to justify their measures.

Having thus endeavoured to set your lordships right as to facts, I shall not at present enter further into the merits of the question; but if I hear any arguments drawn from the present circumstances of Europe, or from the nature of the war we are engaged in, I hope your lordships will allow me to give you a second trouble; because I am fully persuaded, that no solid argument can be found for supporting this motion, and that our agreeing to it would be of the most dangerous consequence to the liberties of Europe, upon which the liberties of this nation must always depend.

Lord *Talbot*:

My lords; the same liberty which the noble lord has desired, will be, I hope, granted likewise to me, of mentioning facts first, and confuting arguments afterwards, and therefore I shall, by way of introduction to the debate, offer some considerations relating to those facts, which the noble lord has mentioned.

That the Hanoverian general refused to pursue the French at the command of lord Stair, his lordship declares, that he never heard till his arrival in England, and affirms, that one of the chief men in the city went away satisfied with that declaration. How easily, my lords, the chief men of the city may be satisfied, I know not, but shall make no scruple of confessing, that I think it of no great importance, when or where his lordship first heard it, and am of opinion that it is one question, whether it is true; and another, whether it is known to his lordship, and that therefore the answer which quieted the citizen, will have very little effect upon me.

I have still less regard to this answer, because his lordship appeared in haste to quit the subject, and endeavoured to divert our attention from it, by an account of another report which was false, though for some time equally credited; but he neglected to observe to your lordships, that it was credited only because the frequent instances of Hanoverian insolence made it probable, and that it was forgotten because it appeared to be false; this report likewise would have been only the clamour of a day, had it not been founded upon a fact too public to be denied.

That this account is not one of the fictions of discontent, or of partiality, might be easily shown in such a manner that even his lordship should no longer doubt it. The gentleman who carried the orders, and heard the refusal, might be produced at the bar of this House, and would attest, in the most solemn manner, what the noble lord has asserted.

When any fact is proved by evidence, all reasonings about the truth of it are superfluous; for never can any thing be done either remarkably well or ill, but specious arguments may be produced to prove that it is not done. Arguments might be brought to prove, that we were not attacked by the French, or that we did not leave the sick and wounded behind us, but those arguments would be soon defeated by innumerable witnesses, and would only expose their authors to contempt.

Yet that the noble lord may not complain, that any part of his speech is passed over with neglect, I shall endeavour to show how little his reasonings ought to affect us, and how false the suppositions are upon which they are founded. He declares, that the account of this mutinous refusal is improbable, because it is not

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likely that lord Stair would have omitted to resent it, by complaining to his majesty, or his majesty to punish it, if it had been mentioned to him.

What would have been the determination of his majesty, if any complaint had been made, it is not proper to enquire, since no complaint was made by the general. He had no access to the king; his opinion was never asked at any military consultations, and he was only permitted to enjoy an empty title and an inefficacious commission.

The king, my lords, was always surrounded by Hanoverians, and advised by a minister, who, though born in England, seemed to have abjured all affection or regard for his country; a minister, who, having no other view than to engross the favour of his master, was careful to suffer no reports to enter his ear that might not please him, and understood his inclination too well to admit any complaints against the favourite troops of Hanover. How then, my lords, could the British general offer his remonstrances, who was never admitted to the king's presence, and who scorned to petition for an audience either of the favourite or the minister?

His lordship has endeavoured to mitigate the resentment, which this flagrant contempt of the English must excite, by informing us how much execution was done by the Hanoverian artillery, which was it seems remarkably excellent and skilfully managed. I am not for my part able to conceive that ammunition can be of more force in a Hanoverian than an English gun; and therefore cannot imagine that the Hanoverian artillery can deserve this panegyric, otherwise than by accident or treachery. Had the English cannons been placed in the front, it is likely that they would have done equal execution, and why they were in any other place, it will be surely proper for your lordships to enquire.

If the Hanoverian artillery was of so great use, it might at least have shewn that the French were vulnerable, and, that when they fled, it was proper to pursue them; and had they been pursued, it is probable that their army had been destroyed, and that those who had been so fortunate as to escape the swords of the English, and the Hanoverian artillery, might have perished in the river, which they had so lately crossed with all the pride of victory.

Of their intention to pass at Aschaffenburgh, the noble lord declares that they were advertised two days before, and imagines that he obviates by that assertion the reproach of inadvertency or neglect; but such is the fate of a bad cause that apologies only make way for new accusations. If it was known that the French intended to pass the river, and to pass it at Aschaffenburgh, why was not part of the efficacious Hanoverian powder employed in blowing up the bridges; for it is certain that the English army was then so situated, that it was scarcely possible for the most ardent imagination to flatter itself with victory, and indeed it is well known, that though the valour of the English well deserved the success which it attained, yet that valour must have been exerted in vain against insuperable disadvantages, and the assertors of liberty must have been overwhelmed by the multitudes that were poured upon them, had not the French, either by confidence of victory, or by error, lost the opportunity which the folly of their enemies had put into their hands.

It will, perhaps, be replied by the noble lord, that I speak with too much confidence of an action at which I was not present, and of which I can therefore have no account, but from reports or from letters, which may be suspected of partiality. The mention of partiality, should, in my opinion, not have fallen from his lordship, at least he should not have expatiated upon the partiality of the letters that were sent from the field of Dettingen, because it naturally recalls to remembrance the wonderful letter, which himself produced on that occasion; such a letter, my lords, as was perhaps never written before; and which equally raises astonishment, whether we consider it as the relation of an Englishman, or the performance of a Secretary of State; if we reflect on the abilities of the Secretary which are exerted in it, we must own it such an account of a battle as was never given before by suttler or by pillager. If we enquire for the English spirit, we shall find it in the account of the astonishing effect of the Hanoverian artillery, without the slightest mention of the bravery of the English, by whom the furious charge of the French was sustained and repelled.

For my part, my lords, I am not afraid to declare that I think his lordship's letter to the ministry, and his assertions in this House, equally partial; and that I believe all the facts mentioned by the noble lord who made the motion, to be literally true.

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I am convinced that the Hanoverian troops are an useless, ignominious and hateful burthen, that their disobedience is notorious, and their insolence insupportable. I am convinced that nothing can be performed by an army thus divided, and inflamed by unextinguishable animosities; and therefore I declare myself resolved to support the motion.

The Earl of *Cholmondeley:*

My lords; I know not why the noble lord who spoke last thought it necessary, or expedient, to express his sentiments with so much acrimony and vehemence; for I have never found that passion added any strength to evidence or argument, or that it contributed to the suppression of prejudice, or to the discovery of truth.

It is not therefore without grief, that I discover in some lords an inclination rather to invective than to reasoning, and that I see them engage in this debate with such animosity as can be, in my opinion, only the effect of prejudice; of a prejudice so strong that it cannot but obstruct the success of our deliberations.

As therefore the noble lords have thought it proper to mention several facts, which they think necessary to be stated as a foundation for the debate; I likewise shall beg to be indulged in the liberty of some previous considerations, which may be perhaps of no less use.

It ought first to be remembered by all those who differ in their opinions on national affairs, and whose station entitles them to a public declaration of their sentiments, that both parties think themselves in the right. Every man ought to reflect that his opponent, as well as himself, is engaged in enquiring after truth, and in promoting the happiness of his country.

This consideration, my lords, would be sufficient to repress that heat which has sometimes been found to inflame debate into discord, and heighten public opposition to private hatred, and which at all times has a tendency to produce reproaches and insinuations, of which we speak in the mildest terms, when we affirm that they are useless, that they protract those deliberations of which the welfare of the public often requires a speedy conclusion, and that they give the people reason to suspect that we are influenced more by private motives than by general principles.

If we were careful not to forget, that those who differ from us are as confident as ourselves, not only of the extent of their knowledge and force of their abilities, but, of what every man may know with more certainty, the uprightness of their intentions; if we recollect in the ardour of opposition, that those who differ from us, however we may suppose them to be misled by prejudice or error, have at least the merit of meaning well, we should treat them with greater candour, and if we added another reflection, that their intention is the same with our own, and that, however they may mistake in their choice of means, they propose the same end with ourselves, we should be inclined to consider them not as our opponents, but as our allies; and think ourselves obliged to assist rather than obstruct them.

It is likewise, my lords, on all occasions proper to represent to ourselves that we are subject to error, and that therefore it is not wholly prudent to treat our adversaries with contempt, lest they should at last be found to have recommended the most proper measures, or to have espoused the most reasonable opinions, and lest that ridicule with which we aspersed them, should at last return upon ourselves.

In political questions, my lords, where the circumstances are so various, the consequences so extensive, and the relations so intricate and complicated, it is easy to imagine, that different opinions may be formed and all defended with equal sincerity. For where the object consists of many parts, too various and diffuse to be taken into one view, every man must determine according to the appearance of that which falls within his observation, and therefore though he whose view is most extensive, is most likely to determine right, yet even he is not exempt from error, because though he sees much, yet something may escape him. Nor will this observation contribute much to the abbreviation of our debates, because it is not more easy to determine who has the most knowledge, than who has the best judgment.

These considerations, my lords, may incline us to shew respect to each other, and it might be hoped that there would be no necessity of recommending to this assembly the continuance of that reverence, which our ancestors were always careful to pay to the throne. The name of our sovereign ought never to be introduced into our debates, because the fundamental laws of our constitution declare, that nothing which can incur disapprobation ought to be imputed to him, nor can I think that

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those who mention him so frequently, and in terms so little consistent with their duty, can, when the heat of opposition is extinguished, reflect with approbation on their own conduct.

The question now before us, my lords, is a question of very great importance, and ought therefore to be discussed with calmness and with patience; and whoever, in disquisitions like this, shall endeavour to inflame the passions, instead of enlightening the understanding; whoever shall endeavour to disconcert his opponent by personal invectives, or endeavour to divert the attention of the House to private weaknesses or failings, can have no right to charge others with want of affection to the public.

We are now, my lords, to enquire, what is the most probable method of opposing the power, and defeating the ambition of France: and as he certainly will merit most from his country, who shall point out the means by which these great purposes will be most expeditiously and successfully attained, he may well be considered as an enemy to the prosperity of the public, who shall by unseasonable altercations prevent or retard any such discovery, or who shall interrupt those deliberations by which it might probably be made. Every man, instead of harassing with satire those that oppose him, or endeavouring to display his own abilities, should apply himself wholly to the chief points in dispute, and labour to reconcile differences rather than encrease them.

With regard to the present motion, on which I had not intended so soon to have delivered my sentiments, I cannot yet discover any argument which can induce me to think it proper. It is true, so little has yet been spoken upon it, that I cannot yet declare my resolution, since undoubtedly many arguments will be offered which do not now occur to my imagination. At present, however, it appears to me highly inexpedient, even supposing, what cannot be granted, that the facts mentioned by the noble lord have been justly represented to us, even supposing that one of our nobility of the highest merit has been treated with insolence, and that the Hanoverians refused to pursue the enemy at the command of the British general.

I cannot think, my lords, that what has once failed of performing all that was expected from it, is to be declared wholly useless. In private life, every man finds his orders very often mistaken and very often neglected; yet no man dismisses his domestics, unless he can find others from whom he has reason to expect more judgment or more obedience, or condemn himself to the drudgeries of daily labour, to escape the perplexity produced by the obstinacy or ignorance of those he employs.

If these faults have been committed by the auxiliary troops, nothing more is necessary than to take care that they may not be repeated; for nothing that can be mended ought to be thrown away.

That it is at this time necessary to encrease our forces cannot be, I think, denied; it surely cannot be denied by those who have so lately displayed the wealth and power of France, the extent of her trade, and the encrease of her manufactures, who have represented her fleets as ready to break out upon us, and her armies as sufficiently numerous to over-run the continent; for if these accounts are true, all the forces which all our alliances can furnish, will not be more than sufficient to oppose the torrent of war which is about to pour upon us, nor can any of our troops be withdrawn, but with the utmost hazard of the liberties of Europe.

That the French, though they are not superior to resistance, are very powerful, is universally acknowledged; and consequently, that the liberties of mankind, and the religion of this nation, are, though not yet desperate, in apparent danger; and therefore, my lords, I cannot but conclude, that a motion for disbanding any part of our troops is remarkably improper, and such as the ministers of France would have offered, if they had had a right to sit in this assembly.

It may be alleged, that if these are discharged others may be hired, and that others may be of the same use without giving any cause of jealousy or discontent. If others may be hired, I am afraid it may be found necessary to retain them, though none should be discharged, at least it is not prudent at this exigence to weaken our army, only because it may be reinforced; since the intrigues and menaces of France may raise difficulties which are not expected, some princes may be hindered from furnishing us with troops by the fear of exposing their dominions, and others bribed to withhold them by magnificent promises; some may be persuaded to favour our enemies, and some may be pleased with an opportunity of gratifying their envy or resentment, by seeing us distressed.

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Nor am I convinced, notwithstanding all the complaints which have, with such malignant industry, been scattered over the nation, that any other troops can be equally trusted, or will co-operate with the same zeal in the support of the House of Austria. These troops, my lords, have the same sovereign with ourselves, and must therefore be supposed in general, however they may differ from us in particular questions, to have the same interest, and consequently, though they may sometimes fail in their undertakings by the common frailties of human nature, cannot be supposed to abandon us in any time of exigence, or, while they serve for our pay, to favour in secret the designs of the enemy.

I cannot, therefore, but believe that your lordships will, upon a full discussion of the question, be of opinion, that the present state of Europe will not suffer us to gratify discontent by political experiments, nor to change our troops till such can be hired, as can give no occasion to objections or complaints. You will be convinced that, while those troops by which it is intended that Europe should be enslaved, are daily encreased, those to whom its defence is committed ought not to be diminished. For these reasons I think you must reject a motion which can have no other tendency, than to furnish the discontented with confidence to attempt new changes, to intimidate our allies, and to encourage our enemies.

Lord *Halifax:*

My lords; the seducing appearance of candour and moderation, with which the noble lord has been pleased to introduce his observations, and recommend his opinion, however it may shew his command of temper and art of insinuation, has raised in me no ambition to imitate him; for I shall never think scrupulous caution an evidence of integrity, or imagine it any degree of merit to be able to look with tranquillity upon the ruin of my country, or to reason coolly with those that endeavour to destroy my liberty. I shall always believe, that he has the best intention who appears not to be afraid of discovering it, by hasty sallies and negligent exclamations; and who therefore accounts it needless to watch over himself with perpetual solicitude, to repress his emotions, or to soften his language; and I shall conclude him, who expresses no zeal for the public, to be in reality unconcerned for the public happiness, and rather to fall below those whom he censures in integrity, than to excel them in prudence.

The fundamental principle which is laid down by his lordship, as the ground of that tenderness which he so earnestly recommends, is indeed of very great importance, where it can be admitted. If I were convinced that those who opposed me, had no other reason for their opposition, but that they thought me mistaken, and no other intention than that of promoting the public happiness, I hope natural justice would preclude any necessity of his lordship's instructions, and that I should not need to be taught, that I ought to pay to their integrity the same regard which I thought due to my own.

But, my lords, when I find the nation on one part and the ministry on the other; when I observe that measures are generally condemned by all those who are not visibly hired to approve them, I cannot forbear to suspect that those who defend them would, if the influence of their salaries or pensions was withdrawn, feel the same conviction with the rest of mankind; and since reason is the same in all, and truth is invariable, I am inclined to believe, that in questions not very complicated and abstruse, men would generally judge alike, if they were influenced only by argument and evidence.

When, in the progress of debates upon public affairs, I hear the defenders of ministerial practices using arguments by which they themselves cannot be convinced; when I find them, for want of argument, recurring to subterfuges and evasions, and sheltering themselves from confutation by hardy falsehoods, senseless clamours, or soft insinuations of the impropriety of touching upon the affairs under consideration; when I see them labouring for remote conclusions, and sweating in defence of positions which are destroyed by their own absurdity, I hope the noble lord will not charge me with being deficient in equity or candour, if I cannot persuade myself to believe that such men are erring innocently, and that they are sincerely studious of the interest of their country.

It is natural, my lords, and just to suspect any man of partiality who may by partiality benefit himself. Of two men in other respects equally credible, whose testimonies contradict each other, a judge would quickly determine whom he should believe, when he was informed that the

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one was to gain by his evidence; but if it should at once appear that his evidence is contrary to probability, though the natural consequence of his interest, what would be determined but that he was abandoned and corrupt, and that he deserved punishment rather than credit?

When I hear it asserted by the advocates for a court, that the public will receive more advantage from hiring men, equally brave, and equally skilful, at a greater than at a less price, I cannot but wonder, my lords, at the perverseness of their understandings; but might perhaps be inclined by my natural benevolence to conclude that they were not born for calculation, or that they did not know the value of money, or to assign some other innocent reason of their opinion, if I found them disinterested on other occasions; and though I should never imagine that their capacity gave them a claim to much regard in public counsels, should think their honesty worthy of esteem: but when I find that they hold large revenues only by defending absurdities, and grow rich by the losses of their country, I hope I may be allowed to think that they are not barely mistaken, especially if I find that those who are so little acquainted with public œconomy, are remarkably acute in discovering and pursuing their private advantage.

I cannot therefore discover that I am always indispensably obliged to suppose those who differ from me to be only mistaken, or to treat their assertions, however distant from truth, from reason and from probability, as they are the opinions of men honest in their intentions, but unfortunate in their comprehension, or of men whose virtue is greater than their capacity.

But whatever I may think of the sincerity of those who differ from me, I am, at least, at liberty to vindicate my own opinion, and that of my noble friend, whose sentiments I am pleased to find conformable to my own; nor can I forbear to assert that, notwithstanding the poor endeavours which have been used to invalidate his arguments, and weaken his proofs, I think them still unanswerable, and am convinced of what he has so successfully attempted to show—the necessity of dismissing the troops of Hanover.

The dismission of these troops, my lords, is necessary, because they seem to think themselves superior to those by whom they are employed, and instead of paying that regard and acting with that submission which has always been expected from mercenaries; they have insulted the troops of England, and refused to obey the orders of their commander.

But though that should be supposed, which there is not the least reason for admitting, which no one has yet asserted, and which, though it should be asserted, no one would believe, that the report of their disobedience is false, and that they have never refused, either from insolence or fear, to perform their duty, yet, unless it can be proved that they can perform it better than any other men, they ought to be dismissed, because others may be hired at a cheaper rate; and the present state of the nation is such, that frugality is a virtue which our ministers ought to practise. We are at present loaded with taxes, and about to contract new debts, while we are unable to pay the interest of those which the last war entailed upon us. Our trade is by a war necessarily obstructed, and has perhaps suffered as much by our own negligence as the activity of our enemies.

At this time, my lords, it appears to me that we have no superfluity of treasure to pour into the bosom of Hanover, and I am at present so unfashionably partial to my native country, that I can, by no means, think it rational to pamper the inhabitants of a foreign territory, by starving the manufacturers or farmers of England; if we overflowed with gold and silver, I should not be very solicitous into what channel the riches were discharged, which our own nation was not able to contain; but I cannot reconcile myself to any scheme by which it is proposed that the last remains of our ancient wealth should be transferred to the barren mountains of Hanover.

There is yet another reason, my lords, for which any other troops ought to be employed rather than those of Hanover, even though they should be supposed equally insolent, equally useless and equally expensive; a supposition which can scarcely be formed of any other nation. This reason, my lords, is already known to your lordships, I wish the knowledge of it could be confined to this House; but it is known likewise to the whole nation, through which that shameful partiality has been echoed with which the troops of Hanover have been distinguished from those of England.

These, my lords, are the reasons with which my noble friend introduced his mo-

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tion; reasons so cogent in themselves, enforced by him with so much energy, and explained with so much perspicuity, that I cannot hope to strengthen or illustrate them; but believe that they will force their way to the heart of every man, whose love of money has not extinguished the love of his country; and as I desire to be reckoned in that number, I shall think it my duty to support the motion.

Lord *Raymond:*

My lords; notwithstanding the acrimony with which the noble lord has been pleased to insinuate, that those who differ from him on this occasion are influenced by other motives than the love of their country; that they are the drudges of a foreign faction, and that they sacrifice their integrity to their interest, I stand up to declare, that I am of a contrary opinion, and that, in defiance of all these invectives and reproaches, I shall oppose the motion, unless my scruples can be removed, and unless better reasons shall be brought to support it.

In return for the accusations produced, with so much confidence, against the opponents of the motion, that they are the slaves of Hanover, and the enemies of their country, I think it might be, with equal justice, and not with less candour, retorted, that those who vindicate it are the favourers of France, and the betrayers of the great cause of universal liberty; that they propose only to weaken that confederacy which they pretend to support, and to give up those rights which they appear so solicitous to defend.

At least, my lords, it must be thought that if they really intend the defence of the House of Austria, and the suppression of the ambition and insolence of France, they prosecute their schemes with very little judgment, since they propose to distress our enemies by disbanding our forces, and to support our allies by withdrawing our assistance.

I should have imagined, my lords, that at a time like this, those who have exclaimed for so many years against the cowardice or negligence with which the House of Bourbon has been suffered to add kingdoms to kingdoms, to heap one claim upon another, and to grow great at the expence of all the neighbouring powers, would have spoken in a very different manner. It was, in my opinion, reasonable to expect, that they would have incited the ardour, and quickened the endeavours of the ministry; that they would have called out for larger armaments and more numerous augmentations; that they would have urged the necessity of a decisive action, and advised that this opportunity should not be lost; that the French should be pressed in their retreat, and the courage of our allies sustained by powerful assistance.

But, instead of exhortations to vigour and resolution, we have heard hitherto nothing but complaints of what the late ministers always urged as an argument for peace, even for ignominious and precarious peace—the expences which the war has brought upon the nation; expences which they ought to have calculated before they advised the trumpet to be sounded, and which, since they cannot now be avoided, must be patiently borne.

These complaints were indeed unreasonable, because the evil is necessary; and blamable, because they have a tendency to encourage our enemies, by shewing them that at least part of the nation is already weary of the war, and persuading them that if they can hold out but for a time against us, they may hope for another peace like that of Utrecht.

But all the arguments which occur against general appearances of discontent, may be urged more forcibly against this motion, which, if it should be obstinately defended, may give our enemies hope, that they shall receive advantage, not only from our poverty, but from our discord; and, if it should pass, would convince them that this House is at variance with his majesty.

What may be the event of such an opinion, how unjust soever, propagated throughout all Europe by the industry of our domestic as well as foreign enemies, and supported by such appearances as can leave those, who are acquainted with the form of our government, no room to suspect its reality, your lordships may easily foresee; nor can any thing be expected but that each of our allies will, when he imagines himself abandoned by England, press forward to be the first who shall solicit for peace at the court of France, and endeavour by an early submission to gain the favour of that power which he despairs of being any longer able to resist.

To balance this apparent danger, my lords, I have hitherto heard no argument that has been offered. We have been told, in general terms, of insolence and cowardice, and have been informed that our mer-

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cenaries, as the vindicators of the motion affect to term them, have refused to march at the command of the British general; but these facts are not yet established beyond dispute; and supposing them true, can by no means give a just occasion to an address like that which is now proposed. If it be certain that faults have been committed either by negligence or mistake, care ought to be taken that the troops be, against the next campaign, better instructed or better disciplined. If any tendency to obstinacy or disobedience has been discovered, it would surely be more rational to address his majesty, that he would command his officers to pay due obedience to the British general, than that he would discharge those troops who might so easily be made useful, and of whom there is now so great need.

I do not intend to propose any such address, my lords, because I cannot suppose that it is necessary; nor do I doubt but that his majesty will, without any public remonstrance or application, take care that the troops of Hanover shall perform the duty for which they are retained. I only mention it to show, that any measures are preferable to those which have been proposed; that the motion cannot be dictated by a desire of promoting the success of the war, and that it is intended only to weaken our influence on the continent, and to disturb our tranquillity at home, which are ends, indeed, for which it is well contrived, and which may probably be obtained by it; but they are very different from my inclinations, who think, that at this time we ought to let all animosities subside, and forget all petty disputes, and trifling distinctions, that we may unanimously agree to labour for the general interest of Europe, and show foreign nations that we consider ourselves as having no other enemies than the House of Bourbon.

For this reason, my lords, I think it my duty to declare, that since this motion has a manifest tendency not only to discover but to increase our national disputes, it ought, in my opinion, never to have been made; and since it has been made, to be speedily rejected.

The Earl of *Westmoreland:*

My lords; when I consider the arguments advanced by the noble lord, who spoke last, I am in doubt whether I ought to attempt an answer, because it appears from his whole speech that no answer will give him satisfaction.

He confesses that those who demand the dismission of the Hanoverian troops, whether distinguished by the name of auxiliaries or of mercenaries, charge them with insolence, cowardice and disobedience to the British command; and yet he declares, that he has yet heard no arguments of importance offered in justification of an address for their discharge.

I know not, my lords, what arguments the noble lord requires; for I cannot easily discover what more can be urged for the dismission of troops, than that they are useless and hurtful, or how troops can be useful that are disobedient, or not hurtful that are insolent.

They might indeed have proceeded to more daring outrages; they might not only have insulted the English, but murdered them; not only have disobeyed, but rebelled; and perhaps nothing but their cowardice has hitherto restrained them from those extremities; and the impunity of their former behaviour may instigate them to greater crimes, of which we ought to endeavour the prevention by recommending a timely dismission.

It has been urged, my lords, that the dismission of these troops will weaken the strength of the confederacy; but it ought to be considered, that it will be much more weakened by their destruction, and that there is reason to fear that the English and Hanoverians can no longer serve together without danger; that the swords which have been drawn against France should be employed against each other; and that these troops may be slaughtered for their insolence in the camp, who might be usefully employed in the defence of their own country, or perhaps in conjunction with some other nation, which may have no reason either to envy or despise them.

That their insolence has been such as ought not to be borne, and cannot be borne any longer, without exposing the name of Englishmen to contempt, and breaking the spirit of those troops from whom Europe expects the restoration of her liberties, and France dreads the defeat of her designs, is apparent beyond contradiction; nor is it less evident that their contempt of authority and disregard of British command is such, that they cannot be considered as any augmentation of our forces, since they cannot be trusted in time of battle; and therefore it is plain, that they have hitherto produced no better effects, than that of draining the trea-

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sures of the nation; that they have lessened our riches, without increasing our force; and, that when they are disbanded, or dismissed, to be paid out of the affluence of their own country, we shall only have in our army fewer mouths, but shall retain the same number of hands.

But there is yet another argument, my lords, which has been hitherto, in conformity to the decency always observed by our ancestors in their deliberations, very slightly touched upon, and which yet ought not to be totally passed over, because it is in itself more important than any which have been mentioned, and which I shall venture to produce, though it is more proper for reflection than disputation.

It is well known, my lords, that, when his majesty was in the camp, none could find access to him but Hanoverians, nor was the advice of the English officers either followed or asked; but the fate of Europe, and the safety of our king were trusted wholly to Hanoverian counsels, though experience has shown us that very little is to be expected from their arms. The English, of whatever rank by their birth, or however distinguished by their loyalty, their abilities, or their experience, were condemned to gaze at their sovereign at a distance, and to see him surrounded with men who had no other visible claim to regard, or confidence, than that they had the happiness not to be born in England.

Such, my lords, was the treatment which a new kind of policy and gratitude directed to be shown to the soldiers, the generals, and nobles of England; to those men, to whom, or to whose ancestors it is to be ascribed that the elector of Hanover is now numbered among kings; that his arms are now feared, or that his alliance is courted.

This preference, my lords; this unaccountable and unprecedented preference, filled the whole army with murmurs and with tumults; nor was there any unanimity or concord to be found in the camp after his majesty's arrival: all order was immediately destroyed; the mercenaries began to assume the command; and those that paid them refused, with reason, to obey them: continual bickerings were produced, and almost daily insurrections threatened.

The consideration of these disorders, my lords, may surely afford a sufficient reason for this Address, since it cannot be doubted, that if these troops are continued in our pay, the same confidence of protection will produce the same insolence; that the same insolence will be supported by the same partiality; and it is to be feared that, even among our own countrymen, some may be found so base and abject, that they will rather encourage this partiality for their own advantage, than endeavour to oppose it for the benefit of the public.

The Earl of *Winchelsea*:

My lords; it is not without the utmost grief and indignation, that I hear his majesty mentioned in this House with so little respect, and find the decency which our ancestors observed in their debates, infringed at the same time that it is commended.

If it be properly commended, my lords, it ought surely to be imitated; for I cannot conceive, why that which was laudable in them should be blamable now, or why we should think ourselves dispensed from any duty which they practised; and, doubtless, no part of the regulations which their wisdom established, contributed more to the quiet of the public, than the scrupulous nicety with which they avoided to charge upon the personal conduct of the king, any of those evils which they endeavoured to redress; and which they did not less effectually oppose for the decency of their enquiries.

I imagine, that some lords may think themselves set free from this irksome and vexatious restraint by the new-invented distinction between conduct and behaviour, which have been lately discovered, with wonderful sagacity, to differ widely from each other, though they have been hitherto conceived the same; and it is asserted that his majesty's conduct may be examined, though he is yet allowed not to be accountable for his behaviour. In my opinion, my lords, such a distinction can never be wanting to disengage any man of a fertile invention, from the observation of any rules which he shall happen to think burthensome or inconvenient: for I cannot form any distinction in which the difference can be less; for the terms are really convertible, and may be used by accident one for the other. His majesty's behaviour in council is his conduct, and his conduct in the field is his behaviour, nor do I perceive, how his conduct or his behaviour in one place or the other, can be other than personal. I do not indeed allege, that his majesty may not be ill-

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advised in the council, or the field, or that they by whom ill advice is given in either place, may not justly be punished; but that advice is no part of either the conduct or behaviour of his majesty, who when he is deceived, is merely passive.

I think it, therefore, my lords, an instance of such indecency as ought not to be admitted in this House, if not of such disloyalty as ought to be censured, whereever it is discovered, to charge any evils upon the personal conduct of his majesty; but it is, on this occasion, not only indecent but unjust, because the presence of his majesty was so far from producing any inconveniences, that it preserved the army from imminent destruction. They were reduced to such difficulties for want of provisions, that they could no longer continue without action, and were surrounded by forces so much superior in number, that there was little hope of any advantage from a battle, though this expedient, desperate as it was, was the only method by which they could avoid the horrors of a famine. It will not be said, my lords, that his majesty's presence produced a famine in the army; and, therefore, no part of the evils which they suffered, or of the dangers which they encountered, can be imputed to him; but it may justly be affirmed, that when they were at once distressed by want, and by the enemy, his majesty, either by his conduct or behaviour, extricated them from their difficulties; and that therefore there is no reason for complaint of his presence in the army; nor can any inconveniences produced by it give a just occasion to this Address, which I think, in the present conjuncture, extremely improper, and to which, therefore, I cannot agree.

Lord *Haversham*:

My lords; I remember the wars of king William, the last prince who led the armies of England into the field, and whose conduct or behaviour may be, therefore, justly mentioned as a precedent for succeeding monarchs in the same circumstances, and whom it cannot surely be suspected, that those who are so much indebted to him for establishing the Protestant succession in this kingdom, will be unwilling to imitate.

This great and intrepid monarch, though he had from his youth lived almost always in a camp, and by delivering his country from the ravages of the French, had reason to entertain all that confidence of his own abilities which is naturally incited by success; and though to these accidental claims of military superiority may be added a temper naturally secret and uncommunicative, yet, always called the English officers to a regular council of war before any great enterprize was to be undertaken, and formed his measures not upon his private judgment, or the advice of a favourite, but the determinations of a council in which every officer had a right to deliver his opinion without reserve. He was far from imagining, that he could discover every thing by his own sagacity, or see every thing with his own eyes; and though he discovered, on some occasions, no great confidence in the English people, yet he knew what right and decency required too well to exclude from his councils the officers of that nation by whom the army was supported.

I cannot, therefore, but conclude, my lords, that the neglect which has been mentioned of the English officers, is both without precedent, without decency, and without justice; and such as deserves, from this House, the most rigorous enquiries, and the most severe animadversions.

I am very far, my lords, from asserting, or intending to insinuate, that this unpopular, this unprecedented, this injurious preference is to be imputed to his majesty, whose justice and moderation are well known; but I think it very reasonable to enquire by whom he was persuaded to an appearance of deviation from them, and by what arts he was prevailed upon to think his person more safe under the security of Hanoverian than of English guards, or the success of the war more likely to be promoted by Hanoverian than English councils; why he was induced to distrust either our bravery or our wisdom, or why he was informed that any other nation was able to supply those defects that might be imputed to us.

For this purpose, my lords, I think the Address, now under our consideration, not ill concerted; and therefore, shall not oppose it. I agree entirely with those who have hitherto spoken in its favour, with regard to the ends which they profess to promote, the reparation of the English honour, the success of our arms, and the suppression of all Hanoverian influence.

With regard to the terms of the Address, I am by no means solicitous; if any of your lordships shall think that any words ought to be changed, I shall not

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think it necessary to dispute upon sounds, but I am confident, from the whole course of the debate, that some address of this kind is indispensably necessary; for it is evident, that we have been not only neglected and disobeyed, which are in themselves sufficient provocations to discharge mercenary forces, but insulted likewise and despised, even by those who received our pay, and received from us more pay than they had ever pretended to require before, and more than they appear likely to deserve on any future occasion.

I am therefore of opinion, my lords, that an Address which may answer the same intentions that are proposed by this, cannot be delayed; for I am confident, that nothing is more necessary to the preservation of domestic peace, than the banishment of all such influence from our councils as may tend to sacrifice the interest of this nation to that of a foreign territory; but such interest, my lords, has notoriously prevailed; and therefore requires to be checked by such resolutions, as may for ever discourage any future minister, however servile to his master, or insolent to the people, from attempting to revive it; I cannot discover any resolution more proper or more efficacious than such as is now recommended; and am therefore convinced, that if this motion be rejected without substituting in its place another of the same tendency, the nation is undone.

Lord *Bathurst:*

My lords; I think myself obliged to rise in opposition to the present motion, in pursuance of the principles upon which I voted for the present war, the desire of repressing the ambition of France, and restoring the House of Austria to its antient greatness, and of placing the balance of Europe once more in the hands of England.

In pursuance of these great ends the war was begun, nor was it opposed but upon supposition, that these ends could not be attained; for it was never alleged, that the encrease of the power of France was not a calamity, but that it was a calamity not to be avoided; or that the House of Austria ought not to be supported, but that it was impossible to support it against such a combination as was then formed against it.

If therefore it shall appear, my lords, that our fears were greater than our danger, that some of those impossibilities have already been performed, and that all the ends for which we drew our swords may be obtained, if we do not too hastily lay them aside, I hope it will be readily allowed, that the war ought to be continued.

What has been already effected, and what hope we may reasonably entertain of effecting that which yet remains to be desired, for the establishment of an equal and lasting peace, will best appear by comparing the present state of the queen of Hungary with that to which she was reduced, when the first assistance arrived from England.

It is well known, my lords, that she was at that time driven from her capital, and compelled to fly to a kingdom which had never failed to lay hold of every opportunity to rebel against her ancestors, and from which she had no reason to hope for greater fidelity. To this people she had recourse for shelter from the storms that were then beating upon all the other parts of her dominions, and her first reception among them was such as distress and calamity generally find: for they appeared to regard her as a kind of out-cast, whom they might lawfully treat with the same neglect as the rest of mankind, or as an ill-fated fugitive, whose arrival portended mischief to their state; and therefore when she arrived at Presburgh, the magistrates with an appearance of duty and tenderness endeavoured to exempt their city from the burden of her residence, by informing her, that she could not be there in safety, and that she might with greater security retire to Buda. At Buda they told her, with yet more indecency, that there was no safety there, because they were then infected by a contagious distemper, and that if she determined to continue there, they could recommend no place for her to keep her court more proper than the hospital. This was the treatment, my lords, which a princess of the first House of the world received in her distress from her own subjects. She took fire at the mention of an hospital, and declared, with indignation, excited by that spirit which in the midst of her distresses never deserted her, that her enemies, whatever might be their power, or how great soever their success, should never have an opportunity of gratifying their vanity, or imbittering their insults with boasts, that they had confined her to an hospital.

This, my lords, was the state of this illustrious princess when she first received remittances of that money which the parliament of England voted for her assist-

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ance: driven from one place to another before her enemies; alarmed every day with new attempts upon the different parts of her dominions: insulted by one power, unprofitably pitied by another, and neglected by all; without money, without resources, and supported only by her own invincible magnanimity: she had taken her stand upon the utmost bound of her dominions, and only stood beholding the progress of her enemies without power to oppose them. But when she was assisted by the treasures of England, and it appeared that her ancient ally had not yet deserted her, she soon found nations ready to assemble at her call, and began to pour upon her enemies the rough inhabitants of the mountains, and the hardy ravagers that rove upon the borders of her dominions, and to shew her invaders, that they likewise were vulnerable, and that their dominions were not exempted from the calamities of war. But these struggles, my lords, however vigorous, must have been unsuccessful, had she not been assisted with men as well as money; nor would the French have retreated into their own dominions, had no English forces been landed on the continent.

But no sooner, my lords, was an army raised and transported, than those who had a few months before been dividing kingdoms, and claiming the empire of the world, withdrew to the verge of their own territories, and left the queen, whom they had so lately considered as little better than their captive, at leisure to re-establish her authority, to regulate her government, repair her fortifications, and settle her garrisons. They left her not only in peaceable possession of her own hereditary dominions, but of those which the prince, whom they had exalted to the empire, possessed: and having first incited him to invade the right of another, left him to lament the loss of his own, and at leisure to censure himself for that thirst of power which had incited him to trust himself in the hands of men who have been so long infamous for perjuries and treachery, and who are known to have no law but their interest, and to sacrifice their dearest allies to their own convenience.

Thus the queen of Hungary sees herself at present almost without an enemy, in her own dominions; and instead of flying before an army preparing to besiege her capital, able to invade the dominions of her enemies, and to punish that cruelty with which she has been persecuted, and that treachery with which those have invaded her territories, who had promised to preserve them.

Thus, my lords, we have already attained part of our intentions; we have already rescued the House of Austria from ruin, and it may be reasonably hoped, that if we could enable the queen of Hungary to extricate herself, when the whole weight of the French forces lay upon her, we may with the assistance which the present tranquillity of her dominions allows her to afford, weaken the House of Bourbon so much, that it shall no longer aspire to unlimited dominion.

With this view, my lords, the war ought to be continued, unless it shall appear that we are too much impoverished by it to carry it on; but of this there is no danger, unless our trade be diminished, which has been found hitherto to encrease.

When I was in the western part of the nation, I was very curious in my enquiries into the state of the woollen manufactory, which is carried on there, and found among them nothing but trade, plenty, and mutual congratulations upon their own felicity. Every loom was busy, every manufacturer employed, and those parishes which had paid not only a land-tax of four shillings in the pound, but a poor's rate of six or ten, were relieved from the greatest part of their burthen, by the sudden demand for workmen and labourers.

When I enquired among them the reason of this sudden flow of prosperity, they all ascribed it to the war; and when I reflect upon the means by which the war must have produced it, I cannot but imagine, that it must be the effect of the necessity to which the French are reduced, of forcing their manufacturers from their employments, and of leaving their looms idle, that their armies may be supplied.

Nor are the advantages of the war confined to the traders. The husbandmen and farmers find, that it has raised the price of their cattle; so that, instead of impoverishing and exhausting the nation, it appears advantageous both to those who possess lands, and those who are engaged in trade.

If therefore, my lords, the end for which the war was begun is not yet fully attained, and there are reasonable hopes of attaining it, without any such injury to ourselves as the advantages of success will not counterbalance, it ought to be continued upon the same motives that influenced us to begin it: and if the war is to be continued,

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it is surely not proper to disband our forces; nor can there be any reason assigned, why the sixteen thousand Hanoverians should be dismissed rather than any other part of our army.

When it was deliberated in this House, whether they should be taken into pay, those that opposed it, alleged chiefly that they were not to be employed, and that they were intended only to receive pay, but not to march against the enemy, and that therefore they ought not to be received, because they were to be at once useless and expensive. This argument, my lords, is now at an end: for it has appeared that they were intended to act, and from the lists of the wounded and slain in the late action, it is evident that they have been exposed to the same dangers with the other forces, and those who survive their wounds, have surely reason to complain, if they are denied any part of the reputation of the victory, when they bear about them evident proofs of having partaken the hazard of the battle.

Those, therefore, who voted or protested against the reception of these troops, have now seen that their argument, their only argument, is for ever refuted by plain and indubitable facts; and therefore it may be hoped that they will not persevere in an error, which can now no longer be involuntary, or endeavour to prove themselves consistent in the wrong, by voting against the continuance of those troops, of which they so unjustly opposed the reception.

It was never urged, my lords, that these troops might not be hired as properly as any other, if there was reason to believe that they would be of the same use; and since it appears that they have not been spared with any peculiar tenderness, I cannot conceive for what reason their continuance should be thought more unreasonable or burthensome, than that of any other troops in the English service.

With regard to the disputes which have arisen in the camp, by the folly or the heat of one or of both parties, I cannot discover with what propriety they can be urged as unanswerable arguments for the dismission of the Hanoverian troops, unless it can be shown where others may be hired from whom the same inconveniencies are not to be expected; dissensions are indeed evils, but they are evils from which armies drawn out from different nations, and by consequence composed of men educated with opposite prejudices, accustomed to pursue opposite views, and follow different commanders, cannot in the present state of human nature be expected to be free.

I am far, my lords, from admitting, that all the reports of partiality, disobedience, and insolence, which have echoed through the nation, are true. It is not to be doubted but that some tales of this kind have been invented by malice and disaffection, and others exaggerated by the wantonness of loquacity; and surely they ought to be more circumstantially known, and more particularly attested, before they can be considered as reasons for an Address like that which is now proposed.

But, supposing it should appear, my lords, and appear beyond contradiction, that there have really been disputes and bickerings between the troops of England and those of Hanover; that each has claimed privileges and distinction, which the other has not thought it proper or reasonable to grant: and that, in consequence of the refusal, some interruptions or obstructions have been occasioned in the service: yet even this evidence will not appear to me sufficient to support the measures which heat of temper has dictated to some lords of this assembly, because these inconveniences are well known to be inseparable from all conjunctions of this kind: nor was it ever known, that an army, to which more than one nation had furnished troops, was free from them.

In the reign of king William, which has been already mentioned, these complaints were not only frequent but perpetual: it was every day asserted, that we were harassed with taxes for the support of wars in which success would produce us no advantage, and that our countrymen were led to the slaughter for the security and grandeur of other nations: that we were ourselves without any concern in the quarrels of the continent, and that we were only engaged in war that our trade might be destroyed.

These clamours, which were, with indefatigable industry, spread among the people, prevailed so far in the House of Commons, that the Supplies were sometimes denied: and very frequently such opposition was raised, that they were delayed to the middle of the summer, and the time of action was elapsed before an army could be brought into the field. These delays hindered our success, and the want of success was thought a sufficient reason for new delays; so that this monarch was very often obliged to raise money upon

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very disadvantageous terms, and to contend at once with his necessities and his enemies; who gained, by his distresses, advantages which he would never have suffered them to obtain, had he not been hindered from the execution of his schemes and the accomplishment of his designs, by the restless and incessant opposition of a discontented party.

It was at this time likewise always asserted, that he neglected the English, that he suspected their fidelity, and overlooked their merit: and these complaints were so frequent that they were generally believed by all those who had not opportunities of knowing that every other nation thought themselves at the same time injured in the same manner. If therefore the conduct of king William can be properly recommended as a precedent, it will likewise at the same time afford a proof, that the justest and most impartial behaviour cannot escape blame, and those censures which have been once so loud and so unjust, ought not now to be considered as right, only because they happen to be clamorous.

I must, therefore, be allowed yet, my lords, to doubt whether the reports which have been spread are true: and if they are true, whether they can properly give occasion to such an Address as is now proposed; an Address for disbanding part of our army at a time, when we have intimidated our enemies, but not conquered them; and when, if we should, by weakening our armaments, suffer them to recover from the consternation into which they have been thrown by unexpected opposition, we may not only fail to obtain those farther advantages, which we may justly promise ourselves from the success of our first undertakings, but those which we have already got; and instead of attacking the French upon their own frontiers, find ourselves obliged to drive them once again from the territories of Austria.

I am not ignorant, my lords, what arts have been used to incite the people against the troops of Hanover, and to persuade them that our liberties are endangered by the employment of 16,000 men in a foreign country; nor do I doubt but those who shall, in conformity to their own opinions, and in pursuance of the dictates of their own consciences, adventure to vote against this motion, will be represented as the mercenary slaves of the court, and as perfidious traitors to their country; as men who have cast off all regard to truth and justice, who are affected by no other motives than their own interest, and who are no longer worthy of honour or of trust.

But, my lords, I hope we have all learned to despise all reproaches which we have not deserved, and to pursue the true interest of our country without regard either to reputation or any other interest, except that which every man promotes, when he engages on the side of truth and equity. It has been frequently remarked, that he only cultivates his real interest who advances the public happiness, and it is no less true that he only increases his reputation; for though mistaken prejudices may for a short time inflame the people against those who serve them with the greatest zeal and integrity, yet they soon recover from their infatuation, and in a short time pay to wise and upright measures those praises which they deserve: nor do I doubt, my lords, but that, whatever censures I may incur at present by my opposition to this motion, I shall in a short time be amply repaid by praise and popularity, when it shall appear, how much these troops have contributed to our honour and our happiness.

The Duke of *Bedford*:

My lords; as I was one of the lords who signed the Protest against taking the Hanoverian troops into our pay, I may be supposed to be included in the number of those of whom the noble lord is pleased to declare his belief that they now find themselves mistaken.

I therefore think it necessary, my lords, to declare, that, with regard to me at least, he has been too hasty in claiming converts; for I am still of opinion that the Protest was just, and, instead of being convinced of any error in my conduct, by the operations of the late campaign, find nothing transacted, which does not shew me the truth of what I then believed, that the Hanoverians cannot be employed without the utmost injury to the English nation.

The noble lord has asserted, with great triumph, that they have evidently and visibly acted, that they have not stood and looked idly and securely upon the dangers and toils of the English, and appeals with great satisfaction to the lists of the slain and wounded, to convince us that the proportion of those who have suffered in the Hanoverian troops is equal to that of the rest of the allies. It was never asserted, my lords, absolutely that they could not

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act, but that they could not act against the emperor, an assertion which appears to have been well grounded; for in reality they never have acted against him. He was in the utmost security almost within sight of the army, nor has any attempt been made against him, though he was in their power, and might have been made a prisoner to the queen of Hungary.

But it is indeed of no great importance with respect to the present question, how much or how they have acted hitherto, or are likely to act for the time to come; for I opposed them, and shall continue my opposition for other reasons than their inaction; and these reasons no lord has yet attempted to invalidate, or confute.

One reason, my lords, for which I cannot but continue to think the employment of the Hanoverian troops contrary to the honour and the interest of this nation, is the partiality, the invidious, shameful, and injurious partiality with which they have been preferred to our countrymen, under whose banner they were hired to fight, and that insolence to which they were incited by that apparent preference, and that flagrant disobedience which their insolence prompted, and which has never been punished or censured.

Of this partiality, this insolence, and this disobedience, a multitude of instances are publicly related; and related with such circumstances as leave, in my opinion, very little room for doubt; nor can I indeed say, that any lord has yet denied, in express terms, any one article of this accusation, though some have endeavoured to extenuate, and some pretended to doubt it. With regard to those who have, by an affected candour, represented those grievances as inconsiderable, I shall only observe, that to be insensible of the disgraces of their country is no amiable character; and that they would deserve more applause by being more zealous for the public, and less solicitous for the court; and to those who cannot prevail upon themselves to believe what is not doubted, or denied in any other place, I think it proper to recommend an enquiry, that they may not content themselves with conjectures, when certainty may be attained, and that they may at last be able to give some reason for continuing to doubt what is now questioned by none but themselves; for certainly, my lords, if their doubts are sincere, they must expect, that an examination of the affair must justify their opinion; and therefore they must be willing to promote an enquiry, which I am certain none of the vindicators of the motion will attempt to hinder, and by which the truth will easily be made appear. There are now in the nation great numbers of officers who had the honour of serving in the late campaign, and even in this House there are many lords who have returned lately from the army, who, when an enquiry is made, will be obliged to declare, in express terms, what they now sufficiently proclaim by not confuting it.

But, my lords, nothing is more evident than that those who doubt of these facts, are afraid of an enquiry, lest it should leave them no pretence to doubt any longer; and that they therefore pretend to doubt, only that they may not be condemned to say nothing.

This partiality, insolence, and disobedience, are of themselves, my lords, sufficient causes for desiring the dismission of the troops of Hanover, since it is evident, that disobedient troops are useless; that insolent mercenaries are not only useless but oppressive; and that partiality in favour of those that have no desert but that they are strangers to England, has a natural tendency to produce disaffection and to incite sedition.

But there is yet, my lords, another reason for which I think it my duty to advise their dismission. They are not only less useful, but more expensive than any other troops. When we first took them into our pay, we were charged with levy-money, though it is known to all mankind, that the troops were already levied; and levied, as we ought to suppose, without any hopes of a reimbursement from England. The pay which has been allowed them is more than was ever claimed by any mercenaries in any former time, even when military service was more dangerous; and may consequently be supposed to be dearer than at present.

This augmentation, my lords, has already cost us 700,000*l.* and when arrears and other charges are reckoned, I am afraid there will be danger, lest we should all be reduced to the same distress with the queen of Hungary, and obliged to reside in hospitals.

The only reason which has yet been alleged by the noble lords against dismissing these hateful mercenaries, is, that our army will be weakened by the subtraction of so great a number; and they have, with great strength of argument, and vehemence of exclamation, shewn the absur-

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dity of dismissing our soldiers at a time, when our enemies are exerting their utmost force. This argument, my lords, is founded upon the supposition, that there are no other troops to be hired; for if others may be had, it will not follow that our army must be weakened by dismissing these. But, my lords, every one that knows the present state of Europe, can inform us, that multitudes may be had by any power that will pay for their service; some are kept in appearance only, to be let out to the best bidder, as they are raised by princes of whom it is well known, that they cannot maintain them; and therefore we easily hire other troops at a less price than that which we now are condemned to pay: and by these the loss of the Hanoverians may be well supplied.

This proposal, my lords, puts an end to all that the opponents of the motion have objected, or can object against it. It is not intended that the army should be weakened; and therefore the mention of the disadvantages which the dismission of those troops may be imagined likely to produce, has no relation to the present question.

It is the design of the motion to set the nation free from discontent, by discharging those troops which are considered as a burthen and a reproach to England, and from whom no service is hoped, that can be equivalent to a very small part of the pay which is lavished upon them, and receiving others who may be more useful and less insolent, and who can give no occasion to partiality, or the suspicion of partiality.

That to exchange troops, which are never mentioned in the nation but with abhorrence and disgust, for such as will be paid cheerfully by the people, will be rational and just, cannot be denied; for surely it is always better to please than to offend the nation: nor is it less evident, that discord weakens an army, and that those troops are most formidable who are best united. The intent therefore of those noble lords who support the present motion, is to increase the strength of our army, by strengthening it with forces which will give no occasion of discontent: and since the troops of Hanover must be dismissed before others can be hired, I cannot but think the motion just and necessary, and am therefore resolved to support it.

Lord *Carteret*:

My lords; I cannot conceive why the noble lords should insist with so much obstinacy, on the dismission of troops which have been hitherto victorious, and which, however useless they have been represented, have evidently shared all the dangers and fatigues of war, with the rest of the allies; and though we may despise them, have struck terror into our enemies, and enabled us to recover the dominions of the queen of Hungary. No sooner, my lords, did we form an army upon the continent, than the French retired to their own frontiers, and gave the Austrians time to take possession of Bavaria, and establish a barrier for her dominions in the territories of her enemies, by whom her garrisons must now be supported; those garrisons by which they themselves are restrained: and she has it now in her power to confine the war to those countries in which she has no other interest than that of a conqueror.

Had we, my lords, after our first successes, weakened our army by dismissing part of our forces, our enemies would immediately have recovered the dominions they had lost; and as the territories which lie beyond them are unfortified, they would have been swallowed up in a day; and they might have established themselves at leisure in the country of our ally, from which it would have been very difficult to drive them.

Nor will the danger of dismissing them now, be much less, when our enemies are exerting all their force, and endeavouring to raise armies proportioned to the greatness of their designs, and to the strength of that opposition which they now begin to dread, when they are about to collect their whole force into one single effort, which we likewise ought, with equal vigour, to prepare to resist.

Nothing, my lords, could give greater pleasure to the French, than an account that we had disbanded half the army; nor could any thing animate them more to renew their hopes, and prosecute their schemes; their destructive and pernicious schemes, with new ardour; nor any thing more effectually conduce to their success.

Should this motion, my lords, this unreasonable and untimely motion, be admitted, I cannot, without the utmost horror, attempt how to discover how far its consequences might extend, or what might be its effects upon the happiness and liberty

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of mankind. It may easily be imagined, that our allies will consider the dismission of our troops as a desertion of our cause, because they cannot but know, that without troops we are unable to maintain it; and therefore it is reasonable for us to imagine, that they will no longer struggle in a quarrel in which they can then have no hopes of success. We shall then, my lords, quickly be informed, that the queen of Hungary, on one part, and the king of Sardinia on the other, have sent their ambassadors to the court of France, to obtain such terms of peace as shall be mercifully granted them by the masters of the world; and that it is the care of every other power, not to provoke that prince from whose clemency or moderation they must hold their dominions. Then, my lords, will the whole power of the House of Bourbon be turned against us; and unless we imitate the example of other potentates, and purchase peace by receiving such laws and conditions as our ancient enemies shall, in the pride of their superiority, find themselves disposed to impose upon us, we must prepare to resist the united force of France and Spain, to guard our coasts against invasions, and defend our trade and our navigation in every corner of the world, since there will then be no place in which an Englishman will not find enemies.

Your lordships cannot be surpised that I mention the compliance with this motion, as the dismission of half our army; for if we dismiss the 16,000, whom we have retained in our own pay, upon the motives mentioned by the noble lords, we must, that we may act consistently, desire likewise, that the 6,000 may be withdrawn, which his majesty's generosity has prompted him to add, at his own expence, to the army, for the support of the cause of liberty, and for the particular interest of England, in which he has hazarded his person in the late action, with so much intrepidity and greatness of mind.

Even this action, my lords, signal and wonderful as it was, has not escaped the censure of discontent, and the calumny of disaffection; every step which has been taken, has been misrepresented to the people, and to which every loss that has been suffered, and every advantage that has been gained, have equally given occasion for clamours and reproaches. It has been said, that the victory at Dettingen, of which we so loudly boasted, and for which we had undoubtedly very uncommon reason to rejoice, was nothing more than a fortunate escape. This, my lords, may be in one sense affirmed of every victory; and of every victory, with the same justice, as of that which we gained at Dettingen. When two armies engage, it is always doubtful for some time, which will be victorious; and consequently each part is, for some time, in danger of being beaten, and may justly say, after a victory, that it has escaped from that danger which the chance of battle always produces.

It cannot surprise your lordships, that the same restless disposition, which has produced what has been seldom known in any former time, discontent at a victory, should with more success defame those measures which are in themselves disputable, and of which the event cannot be at present certainly known, and that the armaments and preparations, of which the expence must necessarily precede the advantage, should give those whom nothing can please, an opportunity of venting malicious insinuations, and of inflaming the people against their governors.

But these practices, my lords, whatever effects they may unhappily produce among the vulgar, who judge without knowledge, and without examination, and by whom the writers of political observations, however ignorant of the true motives of public transactions, or however incapable of judging of the propriety of the conduct of generals, or the measures of ministers, are considered as oracles, because they know more than themselves, will have, I hope, very little effect upon this assembly, in which it will only be examined, whether the measures which have been taken, are conformable to the resolutions and advice of the House, and which will certainly forbear to censure what they have themselves advised.

The augmentation of our army, my lords, was the consequence of our own resolutions, and of the advice which both Houses gave to his majesty. It was determined that the House of our ancient ally should be not only preserved from ruin, but restored to its ancient greatness, and that the balance of Europe should be re-established. These ends, my lords, were not to be accomplished without an army, nor was an army at that time to be raised but by adding to our own forces the troops of the electorate.

It was indeed at that time objected that these troops could not act against the emperor, and it is now again asserted as an

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argument for dismissing them, that they have not acted against him; an assertion, my lords, undoubtedly true, but of no importance in the present debate, because they were never intended to march against the emperor, but against the elector of Bavaria, and against him it will not be denied that they have acted, and acted with success; for they have put his whole dominions in the hands of the queen of Hungary, since it is plain that the French did not fly from the Austrians but from the confederate army.

These, my lords, are the advantages which we have gained by augmenting our army, and of which many, if not all, will be lost by disbanding it. For though the noble lord has alleged that we may easily supply their places by troops hired from other powers, I cannot but believe, that, upon reflection, he will himself be of a different opinion; that if he considers the situation of some, he will find that they cannot arrive with expedition sufficient to be of any use in the approaching campaign; that others are restrained from furnishing us either by treaties with other powers, or by the present circumstances of their affairs; and that they will all take advantage of our present necessities, and exact from us a price which we cannot then refuse, though we cannot afford to pay it; and that, which is likewise to be very attentively considered, it is not certain that we shall be able to complete our army at any price, because the French may perhaps outbid us, which they may do, because if they conquer us and our confederates, and cut the House of Austria into sippets, they may bestow a part upon each prince who has either assisted them, or refused us assistance.

Nothing then will remain, my lords, but that the French, having not any enemies on the continent to dread, will extend their ambition to the dominion of the sea, and, after having re-established their naval power, which may be accomplished in about three years, will put an end for ever to our trade, and our navigation, and shut us up in our own island, which they may invade at leisure, whenever they shall find in themselves an inclination to annex it to their dominions.

Then, my lords, we shall discover the weakness of that advice by which we were directed to reduce our army; but if we then discover it, when it can only be vainly lamented, our discernment will be of small advantage. Let us therefore open our eyes, and avert the evils that are falling upon us, while they may be yet obviated, and let us not, by admitting this motion, involve ourselves and our posterity in irremediable misery.

The Earl of *Chesterfield*:

My lords; when facts are related differently by different persons, or asserted by some and denied by others, there are certain rules by which men ought to judge, and by which, if they do judge, they will very seldom happen to be mistaken. Although these rules are generally known, and may be suggested by every man's own reason, I hope your lordships will pardon me, if I mention some of them upon this occasion. For example: when a fact is denied by one man, and asserted by twenty others, surely, if all other circumstances be equal, we ought to give most credit to the twenty: when all the witnesses to a fact have a particular interest in denying it, but two or three of them, more honest than the rest, are so ingenuous as to confess, I should give more credit to the confession of that two or three, than to the most solemn denial of an hundred others: when one man asserts a fact, which the nature of things renders highly probable, and another absolutely denies it, the former deserves more credit than the latter; and when a fact is asserted by one man, whose duty or business led him to be perfectly acquainted with it, and denied by another, who had no business to know or enquire into it, surely we ought to give most credit to the former. Your lordships' own reason must convince you, that every one of these rules is right, and ought to be observed in every case, where there is a contrariety of evidence. According to these rules, then, let us examine the facts that have been mentioned in this debate; because from thence chiefly we are to determine, whether the prophecies of last session have or have not been fulfilled; and as we have examined no witnesses upon this subject, every lord must determine himself from the letters he has seen, and what has been told him by those who were eye-witnesses to what passed in the last campaign.

As to the courage of the Hanoverian troops, a noble lord has been pleased to say, that he could never observe any thing in the climate or soil of a country that should make the people more brave than the people of any other country, in which I agree with him; for, I believe, no phi-

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losophical or physical reason can be given, why the men of one country should have more courage than those of another; and yet in all ages it has been remarked, that there is a difference in this respect, and that almost every country has its particular military character, which may be improved, but seldom, if ever, was recovered after being once lost, as long as the same people had possession of the country. Therefore, in order to learn the character of the troops of any country, we are not to make a philosophical but historical enquiry: we are not to enquire into the constitutions of the people, or the soil and climate of the country, but into what has been and is said of them by their neighbours.

According to such an enquiry, my lords, we must conclude, that the Hanover troops are none of the bravest in the world; for in history we have many accounts of their cowardice, but few or none, I believe, of their bravery; and I have been told by all the German officers I have ever conversed with, that they are generally reckoned among the worst troops in Germany. The noble lord says, we are not to form a character of them from what we read of in the wars of king William and queen Anne, because they were then newly raised, and ill disciplined; whereas they are now veteran troops and exactly disciplined. That a very large body of troops have been kept on foot in Hanover for thirty years past, and that during that time they have been better clothed, and, perhaps, better fed than formerly, I shall readily agree; but veteran they cannot be called, because they have never been engaged in action. However, I shall admit, that good clothing and good feeding ought to give spirits to a man, if any thing can: a man that has a good coat upon his back has more reason to prevent his being stripped, than a man that has none; for which reason Julius Cæsar used to give rich arms to his soldiers, that they might defend themselves with the more obstinacy; and of the people of all countries it is observed, that they fight best when they are well provided for; but this, I think, admits of one exception; for it is said, that our neighbours of Scotland fight best when they are hungry; and if this had been the case with all the troops we had at Dettingen, it must be acknowledged, that our generals took the right method for obtaining a victory.

But, my lords, it is observed, that neither clothes nor provisions can give courage to the troops of some countries; and as to what is now called discipline, I mean the punctilios usually observed at a review, it may please the general that reviews, but never can of itself give courage to the troops that are reviewed; therefore, we cannot judge of the courage of troops from the appearance they make at a review, or from their dexterity in the manual exercise of the firelock; and, I believe, the noble lord who gave us such a high character of the Hanover troops, had never any thing else to judge by; for as to their behaviour in the day of battle, he was, I believe, no more an eye witness than I was, and as it was none of his business, he was in the right not to expose himself to danger. But if we can give credit to many of the officers that were actually eye-witnesses, the Hanoverians did nothing that day that could in the least contribute towards their acquiring a character, different from what they had in the late wars, or what they have always had in Germany. They kept, it is true, the posts that were assigned them, but their generals took care to assign posts to most of them, where they could neither be attacked nor exposed to much danger; and accordingly they suffered little or nothing. I am therefore surprised to hear their sufferings mentioned; for though immediately after the battle, they brought in a list of some hundreds killed, it is very well known, that at a muster two or three days after, all their regiments appeared to be complete, or but very few wanting; and therefore it is to be supposed, that such as were missing immediately after the battle, had either gone to hide themselves in some safe place, or to strip the British soldiers that had been killed or wounded in guarding them from danger.

Thus, my lords, if we judge of the character of the Hanover troops from what history says of them, or from what is said of them by their neighbours in Germany, or from their behaviour during last campaign, we must judge, that, if they had the will, they have not the courage to do us much service in the present war; and now I shall examine the other question as to their having an inclination, or being at liberty to serve us, or rather the queen of Hungary, in the present war. I say, my lords, their having an inclination, or being at liberty; for I shall shew good reasons for doubting of both; and reasons are what

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alone can be shewn, because this is a question that can admit of no proof by witnesses. As to their inclination, it is certain, that the inclination of the Hanoverian troops must depend upon the inclination of the Hanoverian court; and, I think, it is evident to a demonstration, from late history, that the court of Hanover never gave themselves any trouble about increasing or preserving the power of the House of Austria, except when it happened to coincide with some view of their own. What influence the politics of that court may have had upon this, I shall not pretend to determine; but it is very certain, that from the fatal dispute that happened in the year 1720, between the courts of Vienna and Hanover, we have contributed rather to diminish than increase the power of the House of Austria, and never began to think seriously or sincerely about preserving the power of that House, till the attack made by Prussia upon Silesia, gave the court of Hanover some reason to hope for making an addition to their dominions, by joining with the queen of Hungary against Prussia. This produced the famous project of a convention for conquering, and holding a part of that prince's territories; but as soon as those hopes evanished, by our finding that he would be supported by France and Spain, as well as some of the most considerable princes of the empire, the court of Hanover were so far from thinking of supporting the House of Austria, that they joined in giving the imperial crown to the most inveterate enemy of that House; and we thought no more of supporting effectually the queen of Hungary, till some of our ministers hit upon the lucky thought of taking 16,000 Hanoverian troops into British pay. Then again we were allowed to resume, or, at least, our ministers pretended to resume, the thoughts of assisting the queen of Hungary in the most effectual manner; and this we did by putting ourselves to the expence of forming a great army in Flanders, where it could be of no service to that princess, and where we were sure that our beloved Hanoverians would be easy and safe, because the French durst not attack them on account of the Dutch neutrality, which they were then soliciting with all their address at the Hague.

Does this, my lords, shew, that the court of Hanover had any real inclinations to assist the queen of Hungary? Did they send any troops at their own expence to Flanders? Did they send either troops or money to the queen of Hungary? At last, the clamours of the Dutch, and of this nation, against drawing the war into Flanders, made our ministers see, that it was necessary for their safety, to send our Flanders army into Germany, and an alteration in the politics of France made the court of Hanover think, that their troops might be sent thither without danger. As the design of France, from the beginning of this war, was to make Germans fight Germans, she found herself disappointed in this design by the defection of Prussia and Saxony, and the lukewarmness that began to appear in the electors Palatine and Cologne. She then saw, that if the war should be continued in Germany, it must be continued wholly at her own expence, and almost wholly at the risk of her own armies; and experience had taught her, how difficult and dangerous it would be to carry on a war so remote from her own frontier. This made her resolve to conclude a peace, if she could possibly do it with honour; or to draw the king of Prussia again into the scrape, if she could possibly do it by her address.

For this last purpose, my lords, France saw it was necessary to draw all her troops out of Germany, and to offer such terms of peace as might appear reasonable to the king of Prussia; and as the French troops were all to march out of Germany, it was thought our Flanders army might safely march into it, without being obliged to commit any hostilities, either against the emperor, or his allies the French. The glory of France, as well as the safe retreat of her troops from Bavaria, required that a new French army, sufficient to face our army, should be sent into Germany; but the French were so sure of our army's having no design to attack them, that they sent off a very large detachment to bring their troops in safety back from Bavaria, which they accordingly accomplished, without our attempting to interrupt them. I am far from saying, our British general was in the secret: I know he was not. If it had been in his power, I am convinced, he would have taken the first opportunity to attack the enemy; but proper care was taken to throw such *remoras* in his way, that he never had it in his power; and when it was found that he could no longer be put off, without letting him into a secret which he would have disdained to keep, a method was taken to divest him of the

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command: which not only by itself, but by its consequences, is a demonstration that our army was never designed to act either against the emperor or the French; for by this method, a conjunction between our army and that of prince Charles of Lorrain, was rendered impossible; and this was the true cause of the inactivity of the rest of the campaign, as I shall presently shew.

But first, my lords, I must observe, that by the opposition made to our British general's measures, and by his being divested not only of the chief command, but of all manner of influence in the council of war, our army was brought into such a situation, and such an ignorance prevailed in our councils, with regard to the designs of the enemy, that if it had not been for a mere accident, our army had been brought into such a snare, that it could neither stay where it was, nor move from thence, without being obliged to attack the enemy at a prodigious disadvantage; for it could march no where from Aschaffenbourg, but back to Hanau; and if we had not, by the accidental arrival of a gentleman in our army, discovered the designs of the French, they would in one day, or half a day's time, have rendered that road impassable: but the discovery that gentleman made to our generals, made us march from Aschaffenbourg sooner, and with more haste than we intended, and before the French general had perfected his scheme; and this, as well as the rashness of some of the French generals, was the cause of the action at Dettingen, and the cause of our army's lucky escape from Aschaffenbourg. It was not any design in us to assist the queen of Hungary, or to attack the French, that was the cause of that rencounter, but our giving the enemy such an advantage over us, that their general thought himself sure of making our whole army, as well as our sovereign, prisoners of war, which would have been such a glory, and such an advantage to France, that her general could not neglect the opportunity; and if it had not been for the bravery of the British and Austrian troops, who, notwithstanding their being exposed to the French batteries on the other side of the Main, drew up regularly, and repelled the attack of the enemy: I say, if it had not been for the bravery of these troops, the French general had probably accomplished his design; for while our troops were thus engaged and exposed, the Hanoverian troops were safely lodged in the rear, or upon the right, at a great distance from the French batteries, and with a wood to defend them from the attack of the French army.

I shall now, my lords, explain what I have hinted to be the true cause of the inaction of the rest of the campaign, and as it could not but be foreseen, it must be supposed, that it was designed. Every one knows, that prince Charles of Lorrain, with the grand Austrian army, was expected from Bavaria, and every one that was not in the secret imagined, that upon his arrival the two armies would join, and march together to fight the French army wherever they should find it; but his majesty's being in the army, and in his proper character, made this impracticable; for it could not be supposed, that the queen of Hungary would put her whole army under his majesty's command, especially as she knew, that he was chiefly advised, not by British but Hanoverian generals; and the king of Great Britain could not join in command, much less submit to be commanded by a prince of Lorrain. For this reason, if his majesty had been advised by British councils, if he had at that time had any one man in his council that had a true British heart, he would have been advised either not to go to the army, or to go incog, for when we consider the nature of that army, it was really inconsistent with his majesty's character, as king of Great Britain, to take upon himself the command of it: Great Britain was not at war either with France or the emperor: the allied army was therefore nothing but an auxiliary army, and as the general of such an army ought to receive and obey the orders he receives from that court which is principal in the war, it was inconsistent with his majesty's dignity, as king of Great Britain, to command such an army. As he wore the Hanover sash, and was guarded by Hanover guards, perhaps it may be said, he appeared there only as elector of Hanover; but how then could he command the British troops, or even the British mercenaries? for, I believe, the British general had no orders to obey the elector of Hanover, much less to resign to him the command of the British army.

But the design of his majesty's being advised to appear, and continue in the army, is very plain. The Hanover generals had no influence over the British general, and would have had as little over prince Charles: they foresaw, that if they remained under the command of either,

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they must fight, or do as they used to do, run away; at which king William, who was an experienced judge, said, they were the best of any troops he ever saw. This made them advise his majesty to come to, and continue in the army: this occasioned that ridiculous scheme of putting a great river between the two confederate armies; and this was the true cause of the inaction of the rest of the campaign. Can it be said, my lords, that we had not, or might not have had an opportunity to have attacked the French, before or after the battle of Dettingen? Can it be said, that we might not have marched with our army into Lorrain? I shall beg leave to examine both these questions; but shall first obviate an objection that may be made, of our army's being inferior to the French. Had we no intelligence? Did we not so much as know what number of troops the French could spare to send against us? If we did not; what becomes of all our secret service money? If we did; why did we not send more of our own troops to Flanders? We might have spared at least 10 or 12,000 of those we kept on foot at home; and since we did put ourselves to the expence of sending a number of troops abroad, it was ridiculous not to put ourselves to a little further expence, in sending such a number as might be sufficient for doing service. I must therefore suppose, we had an army in Flanders sufficient for action, if all our troops had been willing to march into Germany; but here was the difficulty. The British troops began to march towards Germany the 7th of February; but the Hanoverians and Hessians refused to obey the commands of our general: the former would not march to Germany till they received new orders from hence; and the latter would not, I believe, have marched at all, if it had not been for an Address moved for in the other House, on the 17th of that month; for though a negative was put upon that motion, it gave our ministers such an alarm, as made them insist upon the Hessians marching. However, it was so late before they began their march from Flanders, that they did not join our army in Germany, till after the battle of Dettingen. Therefore, if we did not attack the French army before the day of that battle, it was not for want of troops, but for want of their having an inclination to assist the queen of Hungary in the most effectual manner; and after the battle of Dettingen, it is very certain, that we had a sufficient number of troops, and many opportunities to attack the French army; for they came and insultingly encamped within sight of our army, between Hanau and Frankfort, where they continued above a month, and at last, upon prince Charles's approach, they decamped with great deliberation, in our view, and retired to the Rhine, without our attempting to disturb them in their retreat.

I have already, my lords, shewn the reason why prince Charles could not join his army with ours, but why he should not pass the Rhine at Mentz, where we passed it, why he should lay himself under the difficulty of laying a bridge, and passing that great river, in sight and in spite of the French army, that had fortified themselves as much as possible upon the opposite shore, can be accounted for no other way but by supposing, that we neither would attack the French ourselves, nor allow prince Charles to attack them. But after prince Charles with his army had been sent up the Rhine, and after our army had passed it near Mentz, what, in the name of wonder, could prevent our army's marching into Lorrain, or by the way of Luxemburgh into Flanders, where the French frontier towns had been almost entirely stript of their garrisons? Surely, if we had taken either of these routes, we should have drawn the French troops more effectually, and in greater numbers away from the Rhine, than we could do by marching towards Alsace, where their army served to guard their strong lines against us, and at the same time to guard the Rhine against prince Charles's passing it. If they had drawn off too great a part of their army in order to follow us, prince Charles would easily have made his passage good, and our army might have been secured under the cannon of the strong city of Luxemburg, till prince Charles could have marched up to our assistance; and if they had left us to pursue our march, which they would not certainly have risked, if they thought us in earnest: I say, if they had risked this, in order to pass the Rhine with their whole army and attack prince Charles, they, as well as he, would have found the passage very difficult in the sight of an enemy; and if they had passed that river, and he had thought it too dangerous to stand a battle, he had the strong city of Friburg to secure his army till he should be joined by reinforcements from Bavaria, or till our army could have marched back to his

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relief; from all which it is evident, that the route which both Prince Charles's and our army took, was of all others the route from which the French had least to fear; and as this was as evident from a prior as it is now from a posterior consideration, we must suppose, that those who directed or influenced our conduct, I mean the ministers and generals of Hanover, had no inclination to give effectual assistance to the queen of Hungary, against either the French or the emperor.

But this was not all, my lords: I have said, and I shall now prove, that the court of Hanover, and consequently the troops of Hanover, were not at liberty to fight against the emperor; because, if they did, they exposed themselves to a hazard, at least of being put to the ban of the empire. Upon this question I have no occasion, and therefore shall not enter into a long detail, or a strict scrutiny into the laws and constitution of the empire. Every one knows, that when subjects fight against their sovereign, it is success that determines whether they shall be looked on as rebels or patriots: and no one will deny, that the elector and people of Hanover are the emperor's subjects, or that he is the elector's sovereign, and the paramount sovereign of the people of that electorate, as well as of every other electorate in Germany; therefore, were their cause never so just, or never so agreeable to the constitution of the empire, it is the success only that can decide, whether it is to be deemed rebellion or patriotism; and the emperor has some pretence to say, that fighting against him in his present war against the queen of Hungary, is fighting against the empire as well as against the emperor, because the diet of the empire has in some measure adopted his cause, by granting him 50 Roman months for carrying on the war. From thence, I think, the court of Hanover have reason to suppose, and dread, that if the emperor and his allies should meet with success in the war, the diet of the empire would not admit of the distinction the noble lord has made between the emperor and duke of Bavaria; and I wonder how his lordship could mention such a distinction, after having said in a former debate, that he could not comprehend the distinction between the king's behaviour and conduct; but it is usual to find men admitting, and even insisting upon nice distinctions that tend to the support of their argument, and refusing to admit more obvious distinctions, when they make against them. However willing his lordship may be to make a distinction between the emperor and duke of Bavaria, I think, it is evident from the behaviour of our troops towards the emperor, that the ministers of Hanover are doubtful of it; for when our army was about Frankfort, a message was sent to the emperor, that he might nevertheless remain safely in that city; which message would never have been sent, I believe, if he had not had a vassal in our army; for I can see no reason why a general, truly and only British, might not have made free with the person of the emperor, as well as that of the duke of Bavaria, in order to secure him till he should submit to reasonable terms of accommodation with our ally the queen of Hungary.

In all countries, my lords, the subjects may take arms against their sovereign, but they are never said to be at liberty to do so, at least, not in any country I have ever read of, except Poland, where, under the shadow of what they call a confederacy, they may by their constitution take arms against their king; and, perhaps, the diet of the empire might degrade, and afterwards authorise its members to take arms against the emperor; but there is nothing like this, in the present case, and therefore it must be allowed, that the elector of Hanover risks the ban, by taking arms against the emperor. Perhaps the noble lord may distinguish between the elector of Hanover and the king of Great Britain, and it would be lucky for this nation, were the distinction more solid than it is; but whilst the elector of Hanover risks the ban, I shall never believe, that the king of Great Britain will heartily engage in a war against the emperor, merely for the sake of preserving the power of the House of Austria; and the very suspicion of the elector of Hanover's having some other view, may very probably render abortive all the designs of the king of Great Britain in favour of the queen of Hungary.

I come now, my lords, to another prophecy of last session, I mean that of the discontents and disaffection, that have been raised both at home and abroad, by our taking the Hanover troops into our pay; and here, their disobedience, and the partiality that was shewn them, come properly to be enquired into. These are facts that are contested by some, particularly one noble lord in this House, to whose testimony I should give great credit, if I did not know him to be prejudiced,

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and that it was not properly his business to enquire into them, nor could he expect, that any officer in the army would talk freely and sincerely to him upon the subject. As to the Hanoverian general's refusing to pursue the French, at the command of the British general, the noble lord says, he never heard of it till he came to London, and that, had it been true, he must have heard of it, because the noble lord, whose orders had been disobeyed, had so much spirit, that he would certainly have complained of it in the most proper place, and in the most vigorous manner. The noble lord may have forgot, I believe he has forgot, what he heard in the army; but, if your lordships were to enter into a regular enquiry, I have reason to believe that witnesses might be found not only for proving the fact, but for proving that his lordship heard of it, whilst he was in the army. For my own part, I never conversed with an officer, who did not own that the fact was notoriously known and firmly believed in the army; and, as to the noble lord, whose orders were thus mutinously disobeyed, the world knows that he had spirit, not only to complain, but, to resign his command, because neither his complaints nor his advice was attended to; for, after his majesty's arrival in the army, he never could so much as direct the march of a foraging party, nor dispose of an ensigncy, in his own regiment.

Then, my lords, as to the partiality shewn to the Hanoverians, it is a fact so notoriously known, and so generally admitted, that I am surprised to hear it disputed. Upon an enquiry, we might have a cloud of witnesses to prove this fact; but, I hope your lordships will not proceed to any enquiry upon this subject: the fact is already too well known: I wish it could be buried in eternal oblivion; for without any enquiry your lordships may, from the notoriety and the probability of the fact, agree to this Address. I say the probability of it; for as his majesty was born and bred a Hanoverian, and as he is possessed of all the virtues and laudable affections that can adorn a human mind, he has certainly a supereminent love, and a laudable partiality for his native country. This makes our case at present very singular: other nations generally suffer by ministers parasitically indulging the vices and private passions of their sovereign; but we may suffer by ministers parasitically indulging the virtues and public affections of our king. The love of one's native country is one of the most virtuous and useful affections of the human mind, and as his majesty is indued with that as well as every other laudable affection, it is the duty, and ought to be the business of his ministers to take care, that his natural partiality towards the people of his electorate, shall extend no farther than is consistent with the interest and happiness of the people that freely and generously made him a king. Even his Hanover ministers will take care of this, if they perform their duty to their sovereign; but if his British ministers neglect it, they fail in their duty to their country as well as their sovereign: and yet so little care was taken of this when his majesty was in the army, that I shall always doubt of the prudence or fidelity of every British subject, that had then a title and an opportunity to offer his advice to his sovereign: for we may be assured, that his majesty was far from being sensible of any partialities that were shewn to the Hanoverians, and if he had been made sensible of it, we may depend, that his justice would have balanced, and thereby prevented any bad effects flowing from his love to his native country.

But, my lords, as ministers generally make their court to their sovereign by flattering and indulging his governing passions; and as British ministers are no honester than those of other countries, we cannot suppose that any British minister, then along with his majesty, took care to give him notice of, or any other way to restrain this partiality. This was foreseen, and endeavoured to be guarded against by the Act of Settlement; for why was it therein provided, that England should not be engaged in war on account of Hanover, and that no foreigner, even though naturalized, should be of the privy council, or enjoy any office or place of trust? The reason of this certainly was, because the parliament then foresaw, that a prince of our present royal family might, probably, shew a partiality towards his native country and countrymen, and that they could not trust to British ministers for restraining this partiality by their advice. Therefore, my lords, from the nature of mankind, from the Act of Settlement, and from the notoriety of the fact, we must suppose, that a partiality was, in many respects, and various instances, last campaign, shewn in favour of the Hanoverians.

This partiality, my lords, had two very natural effects: it made the British soldiers

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peevish, and the Hanoverian insulting; and, accordingly, from all the gentlemen I have conversed with, I have heard, that the Hanoverians were very ready to insult the British, wherever they thought they had a superiority, and that the British were apt to quarrel with the Hanoverians about the merest trifles. This, I say, is the general report, and is confirmed by the very story the noble lord was pleased to tell us; for if the British troops had not been sometimes insulted by the Hanoverian, they would not so readily have given credit to that story; and if they had not found by experience, that a partiality was shewn to the Hanoverians, they would not have thought of mutinying upon that occasion, because they would have expected, that the guilty persons should be immediately apprehended, and condignly punished; for the people of a country, or the soldiers of an army, never think of seeking for justice in a mobbish or mutinous way, when they think they can obtain it in a legal.

This story is therefore, my lords, a proof not only of the partiality shewn to the Hanoverians, but of the discontents that prevailed among the British troops abroad; and these discontents will certainly be, if they have not already been, communicated to our troops, as well as people at home; for Englishmen at home will take the part of Englishmen ill-used abroad, as was apparent from the universal clamour lately raised against our prime minister, on account of the depredations and cruelties of the Spanish guarda costas. It is therefore evident, that discontents have been raised by taking Hanoverians into British pay, and the consequences that have thereupon ensued. All popular discontents, my lords, are dangerous, but these of all others are the most dangerous, because most ready to deviate into disaffection; for the discontented will naturally suppose, that under this family they can never expect any redress, or any abatement of this grievance. As the people are naturally jealous, and by the disaffected have been taught to suspect, that in all the measures resolved on by our ministers, the particular interest of Hanover has been the chief consideration, ever since the accession of that family to the throne of these kingdoms, it could not but be foreseen, and if I had never conversed with any one man upon the subject, I should believe, that our taking Hanoverian troops into our pay would create disaffection and discontent. This could not but be the effect of our first taking them into pay, and the partiality that has been since shewn towards them must necessarily render that effect more certain and more general. To make this conclusion therefore, we have no occasion to enquire into what is said by different sorts of people, or by any sort of people: I am glad to hear, that people do speak their minds upon the subject; for if they did not, I should be afraid of their beginning to harbour thoughts of shewing their sentiments by their actions. What their sentiments are, must be evident from the nature of things, and for this reason it is my opinion, that no man who has a true regard for the royal family now upon our throne, will be for continuing the Hanover troops in British pay. It is said of a noble lord in a late reign, that he turned Roman Catholic, in order to overset the Roman Catholic king then upon our throne: I hope, we have not at present any good reason to suspect, that any British subject is now with the same view turned Hanoverian. But as such a thing is possible, as wolves appear sometimes in sheep's clothing, those that are truly zealous for our present happy establishment, will always have a jealousy of a British minister that savours too strong of the Hanoverian.

But, my lords, it is not for the sake only of the royal family now upon our throne, that I am so zealous against keeping the Hanoverians any longer in our pay, but because I am extremely desirous of seeing the present war brought to a speedy and happy issue, and because of the danger that may ensue, should the British and Hanoverian troops be again drawn out into the same camp. As to the success of the war, these Hanoverians will be so far from contributing to it, that they will be a clog upon our arms, and retard or prevent all our warlike operations. Their own interest must lead them to aim at a prolongation of the war, as appears evidently, I think, from the inactivity of the last campaign; and the desire their generals shewed last campaign to preserve their troops, will make them oppose every bold enterprize, and every scheme that is attended with danger. In other mercenaries such views would be of very little consequence, because our British generals would not much heed their advice; but whilst we have Hanoverian mercenaries in our army, I believe, it is not possible to prevent their having a very great influence

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upon the counsels of the British general; nay, I believe, and from the experience of last campaign, from the fate of the noble lord who then had the command, I have reason to believe, that care will be taken to have always such a general as will give great heed to the advice of our Hanoverian hirelings. It will therefore be in their power, and I make no doubt of its being in their will, to retard the operations of war; and the same selfish spirit may have a like effect upon our negociations for a peace, which is an effect that could not be apprehended from our having any other mercenaries in our pay. What the terms were that were offered last summer by the emperor and France, I do not know, nor do I care; for common reason convinces me, that as long as Hanover gets 3 or 400,000*l.* yearly from England, and is itself in no danger, Hanover ministers will be against agreeing to any terms of peace; and I am apt to suspect, that Hanover ministers will always have some influence upon our British.

Lastly, my lords, as to the danger that may ensue from drawing the British and Hanoverian troops again into the same camp, I must give credit to what I have heard from almost every officer returned from the army. The animosity between the two corps is risen to such a height, that if they should be again brought together into a camp, the least accident might blow it up into a flame, and set them a cutting the throats of one another, instead of those of the enemy. This is a danger that by all accounts is to be apprehended, and ought to be prevented, on account of the consequences it may produce, not only abroad but at home. The people of this kingdom have already conceived a sort of an aversion to Hanover: such an accident as this would spread that aversion among our soldiers; and if our soldiers should join with the people, the consequence might be such as I am terrified to think on. For this reason, my lords, I am resolved, that, let this question go how it will, it shall appear upon your Journals, that I acted upon this occasion like an Englishman.

Lord Chancellor *Hardwicke*:

My lords; as it is my duty to inform your lordships, when I think any motion or debate contrary to the usual method of proceeding in this House, I should have stood up much sooner, if I had not been desirous to see, whether any authentic proofs were to be offered for establishing the facts upon which this extraordinary motion seems to be founded, and upon which alone, I think, it can have any solid foundation. As yet I have heard no sort of proof offered, as to any one of the facts alleged; and therefore, I must observe to your lordships, that according to the constant method of proceeding in this House, no contested fact is to be alleged as a foundation for an argument, and much less for a motion, unless it be such a one as has been before proved by the examination of witnesses at your bar, or such a one as may be instantly proved by the perusal of authentic papers upon your table. Now, my lords, as no sort of proof has been offered with regard to any one of the facts that have been alleged, they must, according to this rule, be left entirely out of the question; and this, I believe, will bring the debate within a very narrow compass; because, in that case, the motion now before us will depend entirely upon these two previous questions: whether we ought to assist the queen of Hungary in the present war? And, if we ought to assist her, whether we ought to assist her with troops, as well as with our money and our navy?

That we ought to assist the queen of Hungary in the present war, is a question that has never yet been disputed, and has been upon all sides admitted, even in this present debate; therefore, the only previous question that can enter into this debate, is, whether we ought to assist her with troops as well as with our money and our navy? If this question be determined in the affirmative, we need go no further; because it will be easy to shew, that the question upon the present motion must be determined in the negative; for if we are to assist her with troops, we must form such an army as may be of service to her in Flanders, or such a one as may safely march to her assistance in Germany, and neither of these we can do without taking foreign troops into our pay. Foreign troops, therefore, we must take into our pay, and the present circumstances of Europe must convince us, that at this conjuncture we can get no troops to hire except the troops of Hanover. The northern powers are now so jealous of one another, or so much in the interest of France, that we can expect no troops from any of them; and the princes of Germany, Hanover alone excepted, have the war too near their own doors to spare us any of their

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troops. The only other part of Europe from whence we could expect any troops to hire, is Swisserland, and as the French are in possession of the whole country between us and them, we cannot expect that the French would allow a body of Swiss to march through that country, to join the British troops in Flanders, nor could the British troops, by themselves alone, march with any safety to join them in Germany. Besides, if we should propose taking a body of Swiss troops into our pay, they might very probably insist upon the same condition they always insist on and have from France, which is, that they shall not be obliged to pass the Rhine, or to serve upon the other side of that river.

Thus your lordships must see, that if we are to assist the queen of Hungary with troops, we must keep the Hanoverians in our pay, and consequently must reject this motion; and as to the question, whether we ought to assist the queen of Hungary with troops as well as money, it was so fully debated last session, that nothing can be added to what was then said in favour of that measure, except what has arisen from the good effects of it during last campaign. That our forming an army in Flanders, and afterwards marching that army to the Rhine, prevented the French from supporting the war in Germany so vigorously as they might otherwise have done, is evident to a demonstration, because, while our army remained in Flanders, the French found themselves under a necessity to keep, and actually did keep an equal number of troops encamped upon that part of their frontier, besides furnishing all their frontier towns upon that side with regular troops instead of militia; and when our army marched to the Rhine, the French found themselves under a necessity to march, and actually did march at least an equal number of troops the same way, which furnished his majesty with an opportunity to add to his former laurels, by the glorious victory he obtained over them at Dettingen. These are facts which stand in need of no proof, because they neither can nor will be contested; and if all the troops employed to face our army in Flanders and upon the Rhine, had been sent into Bavaria, would not the French have given the emperor a much more vigorous assistance, than they did? Can we suppose, that in this case the queen of Hungary would have been able to raise an army sufficient for defending her own dominions? Much less can we suppose, that she would have been able to have drove the emperor out of his hereditary countries, to have compelled him to accept of a suspension of arms, and to have brought her victorious army to the frontiers of France itself.

My lords, however strong our reasons were last year for assisting the queen of Hungary with troops as well as money, the success of last campaign has now made those reasons much stronger. If Bavaria or Bohemia had still continued to be the seat of war, there might have been some reason to say, that we ought not to think of assisting the queen of Hungary with troops, because we could not with safety march our troops thither, nor supply or recruit them after they were there; but now the seat of war is come to be in a country to which our troops may safely march, in which we may easily supply and recruit them, no reason can be suggested for our not sending troops to her assistance. Last campaign, my lords, brought the war to the French frontier, and next campaign, if we pursue the same vigorous measures, may carry it into the heart of their country, where it must be before we can expect any reasonable terms of peace. It is not to be doubted but that early next campaign, the queen of Hungary will have a powerful army upon the Rhine; and if we join our army to hers, or make a diversion by an attack upon French Flanders or upon Lorrain, one successful battle or two, may open a way for the queen of Hungary's Pandours to the gates even of Paris itself.

I am far from saying, my lords, that this was or that this ought to be our aim: I shall not even say, that in the present conjuncture we ought to think of reducing the power of the House of Bourbon, however necessary it may be for the safety and repose of Europe; but this I will say, that we ought, if possible, to prevent any increase of the power of that House, and that we ought to assist the queen of Hungary in the most effectual manner, till such a peace can be procured as may secure the liberties and independency of Europe, in which our own are certainly involved. That this we ought to do will, I believe, be admitted by every one of your lordships; and I make no doubt of our finding by experience, that no such peace can be obtained, till France herself be brought into some real distress. Her own frontier must be attacked, and attacked in the most vigorous manner, before she will consent to desert her allies, as she calls

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them, or as they ought more properly to be called, her tools, which at present she makes use of for reducing the power of her ancient rival, the House of Austria. Can we suppose, that France will absolutely desert the cause of the emperor, unless she finds herself in great and imminent danger? And till the emperor finds himself absolutely abandoned by France, he will never come to any solid peace with the queen of Hungary. Can we suppose, that France will expressly abandon the projects of Spain, unless she finds herself in danger? And till the court of Spain find themselves absolutely abandoned by France, they will never come to any solid terms of peace, either with this nation or the queen of Hungary. Therefore we must conclude, that there is no effectual method for restoring the peace of Europe, and establishing it upon a solid basis, but by enabling the queen of Hungary not only to defend herself, but to carry the war into the French territories; and for this purpose we must assist her with troops, as well as with our money and our navy. That this is practicable, the last campaign must convince us; for though we had not all the success that might have been expected from the natural consequences of his majesty's glorious victory at Dettingen, yet the success we had was a plain proof, that the seat of war might be removed both from Germany and Italy, and carried into the territories of France itself. When we can do this, we may hope for a safe and honourable peace; but till then I may venture to prophesy, that all such hopes will in the end prove chimerical.

From what I have said, my lords, I think it must be concluded, that we ought to assist the queen of Hungary with troops; and as we cannot assist her even with our own troops unless we continue the Hanoverians in our pay, this motion must of course be rejected. I shall grant, that your lordships have a right upon all occasions to offer your advice to your sovereign; but when you are to offer such an express and particular advice as is here proposed by this motion, you should be extremely careful of its being prudent and right. I am not, I confess, I never pretended to be a very deep politician, which may be the cause of my viewing this piece of advice in a very odd sort of light; for to me it appears very extraordinary, to advise his majesty in express terms to disband one half of his army in the middle of a war. If it had been proposed to advise his majesty to dismiss the Hanoverians and call home his British troops, the advice would not to me have appeared in so whimsical a light; because then it might have been supposed to be founded upon its being imprudent in us to think of assisting the queen of Hungary with any troops. Or if the advice proposed had been conditional, to dismiss the Hanoverians provided they could be replaced by the hiring of any other troops, it would to me have appeared in a light more agreeable to common reason; but as it stands in the motion now before us, it is quite out of the reach of my political comprehension.

This, my lords, may be owing to my ignorance in politics, or want of a political capacity; but as to the methods of proceeding in this House, I hope, I may be allowed to pretend to some knowledge, and I am very sure, that nothing can be more unparliamentary, than for your lordships to found a resolution upon facts which are contested, without having had any sort of proof so much as offered as to the truth of those facts. I therefore think it quite unnecessary to take notice of any of the facts that have been alledged; and as to one of them, I mean the preference which, it is pretended, was shewn to the Hanoverian troops, I wish it had not been mentioned in this House, either upon this or any other occasion. When I consider who was at the head of our army last campaign, I must think, that the bare mentioning of such a fact, in such a public manner, is, in some measure, a failure of that duty and respect, which every lord in this House owes to his sovereign; and its being mentioned as one of the reasons for the motion now before us, is, in my opinion, one of the strongest reasons for our rejecting the motion; because, if we should agree to the motion, after hearing that fact assigned as one of the reasons for it, the fact will be supposed to be true by the majority of those without doors: and, I hope, this House will never give any authority for believing a fact, which must, in its nature, tend to alienate the affections of the people, especially the army, from the royal family now upon our throne.

There was another fact mentioned, my lords, as a reason for the Address now proposed, which, in my opinion, ought likewise to be considered as a reason against it: and that was, the discontents which are said to have been raised among the people, and in the army, by our taking

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Hanoverians into our pay. My lords, when discontents are founded upon real grievances, I shall grant, they ought to be removed as soon as possible, by redressing the grievances that gave cause to them; but when discontents are entirely groundless, or founded upon imaginary grievances, by attempting to remove them any other way than by instruction and proper discipline, you will increase them. If the people, or the soldiers in your army, have, by misinformation, been rendered discontented, you must take care to get them instructed, or truly informed; and if, nevertheless, their discontents should lead them into any rebellious or mutinous practices, you must take care to have, at least, the ringleaders properly punished. If you take any other way for removing groundless or imaginary discontents, you will increase them; because you will thereby give the people cause to think, that there were real grievances, when none existed but such as were altogether imaginary. In the present case, suppose our taking Hanoverian troops into our pay has occasioned some discontents, if you should attempt to remove those discontents, by dismissing the Hanoverians, when you have as much occasion for them as you can pretend to have had at the time you first took them into your pay, will you not thereby increase those discontents, or confirm the people in them? You certainly will, my lords, because every one will be thereby convinced, that our taking those troops into our pay, was a real grievance, whereas it was only an imaginary one, and such a one as never could be thought a grievance, by any one who was rightly informed of the necessity we were under.

Thus, my lords, it must appear, that the reasons offered for this motion, are either such as must be deemed no reasons at all, because founded upon facts which have never been proved; or they are such as operate much more strongly against the motion, than they can be supposed to do in its favour. But suppose all the facts mentioned upon this occasion were true: Nay, I will go farther, I will suppose, it would be prudent and right in his majesty to dismiss the Hanoverian troops out of British pay; yet still it would be wrong in us to interfere with our advice so early in the session. If the dismissing of them be supposed to be a right and a popular measure, as it must be supposed by the noble lords who have made and supported this motion, in duty to our sovereign, we ought to leave it to him to take this measure of himself, and without our interposition, that he may thereby recommend himself to the affections of his people; for it has always been held as a maxim in our government, that when merciful or popular measures are to be taken, they ought to flow from the crown; and that when severity becomes necessary, the parliament ought to step between the king and the people.

For this reason, my lords, if I were really of opinion, that it would be prudent and right in his majesty to dismiss the Hanoverians out of British pay, I should rejoice at hearing such a motion made in this House, because I should consider it as a spur to his majesty's ministers to offer him this advice; and yet I should be against our agreeing to the motion, that the measure, when taken, might seem to flow from the mere good will of our sovereign. This, I say, should be my conduct, and this conduct I should be the more easily led into, because, if the Hanoverians be continued in British pay, we must have an opportunity before this session can be at an end, to declare our opinion upon this subject. I therefore need not declare to your lordships how I shall act upon this occasion, for let my opinion of the advice proposed be what it will, I must, as a faithful subject to my sovereign, be against our agreeing to the motion.

Lord *Carteret:*

My lords; when I stood up before in this debate, I intended only to set your lordships right, with regard to some facts that had been alleged as a foundation for this extraordinary motion, and I was hopeful to have gained so much credit from your lordships as to have heard no more of them, but in this I find myself disappointed, and therefore, I think myself obliged to the noble lord who spoke last, because, I think, he has plainly shewed, that whether these facts be true or false, they can be of no significancy in this debate, since it is not so much as pretended, that we have any parliamentary proof of them. The noble lord who spoke last but one, might therefore have saved himself the trouble of explaining to us those rules, by which we are to judge when there is a contrariety of evidence; for when there is no evidence at all, we cannot surely have any use for the rules his lordship was at so much pains to explain. When I say, no evidence at all, I mean parliamentary evidence, which is the only sort of evi-

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dence that can be admitted as a foundation for any resolution of this House; and as no such evidence has been offered in this debate, I might save myself the trouble of any farther scrutiny into the truth of the facts that have been mentioned; but as the truth of those facts is still insisted on, and hearsays and flying reports given as a proof of them, though such evidence can have no influence upon your lordships' way of voting, yet, lest it should have an influence upon your way of thinking, I shall beg leave to reconsider what has been said upon this head, in order to shew how little weight it ought to have with a fair and candid examiner into the truth of things.

As to the courage of the Hanover troops, my lords, the whole of the proof that has been offered of their want of courage, amounts to this, that some German officers have said, they are generally reckoned among the worst troops in Germany; and that some officers who were present at the battle of Dettingen, have said, they did nothing there that could retrieve the character they had in the late war. Now, my lords, in opposition to this, I will affirm, that every German officer I have ever conversed with, did admit, that ever since the troops of Hanover began to be regularly and constantly disciplined, they were as good troops as any in Germany, except those he himself belonged to. This exception, indeed, was made by every officer that did not himself belong to the troops of Hanover; for from a natural and an useful prejudice, every man has the best opinion of the troops of that country or corps he himself belongs to; but as every one reckoned the troops of Hanover as good as any troops in Germany, except his own; I who am no German cannot admit of the exception, and must, therefore, conclude, that they are as good troops as any in Germany, or, indeed, as any in the world, except those of Great Britain. Then, as to their behaviour at the battle of Dettingen, has any one officer ever said, that they behaved ill? Did any one regiment or corps of them desert the post assigned them, or run away? Did not the French fly before them as well as before the British and Austrian troops? So far then it must be allowed, they retrieved the character said to have been given them by king William. As no man, who has ever seen the Hanover troops, can deny their being perfect masters of military discipline, therefore the noble lord, who is resolved, it seems, to allow the Hanover troops no one good quality, took occasion to ridicule what is now called discipline. His lordship, I shall admit, has a happy talent at turning whatever he pleases into ridicule; but whatever he may say of modern discipline, it is absolutely necessary for preventing confusion in a day of battle; and without seeing troops engaged in action, there is no other way of determining whether they are to be called good or bad. Before the battle of Dettingen, we had not for many years any other way for judging of the Hanover troops, than by the appearance they made at a review. Upon such occasions they shewed themselves masters of military discipline, and at the battle of Dettingen they shewed, that they could observe it exactly even in the face of an enemy, and when cannon as well as musket balls were flying about their ears in great plenty, which, I am sure, is no sign of their want of courage; and, I believe, it will upon all occasions be found, that they will do their duty as exactly, and as bravely too, as any other troops we have, or may have in our army.

The next fact I am to take notice of, is the pretended disobedience of the Hanoverian troops to the orders of our general. This heavy complaint, I find, my lords, terminates at last in this, that one of the Hanoverian generals refused to march in pursuit of the French when commanded to do so. Whether this be true or no, I am utterly at a loss to determine, because, as I said before, I never heard of it till returned to London: and if it were strictly examined into, and fairly stated, perhaps, a good excuse might be found for this disobedience to the commands of the British general, especially as the king was then present in the army. But supposing the story true, and the disobedience altogether unjustifiable, is the mistake, or the disobedience of one of the Hanoverian generals a reason for dismissing the troops, when we have so much occasion for them, and at a time when we cannot supply their place by the hiring of any other troops?

This is therefore a story, my lords, that, whether true or false, can furnish no solid argument for the present motion; and as to the third fact I am to take notice of, I was really sorry to hear it so much as talked of in this House, and much more sorry to hear it insisted on as a foundation for any motion: It is even with regret that I enter upon refuting it: be-

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cause, if it had been true in every circumstance, it is the duty of every lord in this House to pass it over in silence, and to endeavour, as much as he can, to have it buried in oblivion. When I say so, I believe, every one of your lordships will suppose, I mean the preference pretended to have been shewn by his majesty to the troops of Hanover. This, as I have said already, is as false a story as was ever invented; and yet some lords, I find, not only insist upon the truth of it, but bring presumptive reasons for believing it, from his majesty's being an Hanoverian, and from the many good qualities he is known to be possessed of. At this rate, my lords, we make his majesty's case extremely unfortunate: He is the first king, I believe, that ever had his good qualities objected to him as a crime; but there is not the least reason for this objection. His majesty, it is true, was born and bred up at Hanover; but he is of English blood, and by being in possession of the British throne, he is as much a Briton as any man born and bred up within the island: there is, therefore, no reason to suppose, that the love of his native country could lead him to shew any unjust preference to the Hanover troops; nor have I heard any one instance of it alleged, except that of its being pretended, that he was governed entirely by the counsels of his Hanoverian generals, and that he gave no heed to any advice that was offered by others.

My lords, there is nothing more common than for men to complain, that their advice was not taken, because it was not followed; and this was really the case, I believe, during last campaign. His majesty took the advice of all the generals, both British and foreign, who had any right to be of his council: he heard them all without distinction, without prejudice; but he followed that advice only, which he thought best: those who found their advice had not been followed, thought themselves neglected, and complained of their advice not being taken; and this, I am convinced, is the only foundation for the story of his majesty's being governed entirely by the counsels of his Hanoverian generals. But this could not be; for there was never a dispute in any council of war, where all the Hanoverian generals were of one side, and all the British of the other. In every question some of the British, some of the Hanoverian, and some of the Austrian generals were of one side, and some of each on the other; therefore, whatever was the result of his majesty's deliberation, he could not be said to be governed either by British, Hanoverian, or Austrian counsels. With regard to the troops likewise, I do not question but that, in some instances, the British thought, that a preference was shewn to the Hanoverians, and in others, the Hanoverians thought that a preference was shewn to the British. This is frequent in all armies composed of troops of different nations; and the people of this nation in particular have always been jealous of foreigners, nay, even of their fellow-subjects; for it is hardly possible to do justice to the Scottish or Irish, without raising a clamour among the English. I therefore do not, in the least, wonder at there being complaints among the British troops, of a preference shewn to the Hanoverian, and these complaints were, perhaps, magnified by some of our inferior officers, in their letters to their correspondents here; but let any of the advocates for this motion fix upon any one instance, where a preference was said to have been shewn to the Hanoverians, and I will undertake to shew, that it was a mistake; and that the Hanoverians had, in that instance, as well as every other, nothing but common justice done them.

There is not, therefore, the least foundation, my lords, for pretending, that any preference was shewn to the Hanoverians; and as this is said to have been the cause of the insults offered by the Hanoverian to the British troops, if we find upon examination, that there was no such cause, we must conclude, that there was no such effect. Disputes might sometimes happen, as there does in all armies, between particular men, or particular parties, and some such might happen between some of the Hanoverians and some of the British. In these, sometimes the former, and sometimes the latter were to blame; and I will answer for it, that upon a strict scrutiny it will appear, that the most impartial justice was rendered to both, in all cases where it became necessary to bring such disputes under the cognizance of a court martial. I was therefore surprised to hear the story I mentioned in this debate, made use of as a proof of the insults offered by the Hanoverians, or of the difficulty our soldiers expected to meet with in obtaining justice, by any regular method of complaint. When a story is circumstantially told, it must be believed by those that hear it, till they have an opportunity to enquire into the truth of it;

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and our soldiers were so far from being mutinous upon that occasion, that they waited with patience till they had an opportunity of being undeceived. If any animosities or heartburnings ever did arise on account of such reports, they ceased as soon as the reports were found to be false: and this will always be the case, so that there is nothing to be apprehended from any animosities or heartburnings that now subsist, or that may hereafter arise between the British and Hanoverian forces; for if any such should hereafter be raised, by false reports or misrepresentations, a little proper discipline, and a proper care in the commanding officers, will keep the soldiers on both sides within the bounds of their duty, till an opportunity be found for detecting the falshood of such reports or representations; and after the soldiers have found, that they have been two or three times deceived by such false reports or misrepresentations, they will give very little heed to any such for the future; so that if there was last campaign any danger to be apprehended from the jealousies, animosities, or heartburnings that might arise between the British and Hanoverian troops, that danger will be less next year, and will diminish in every future campaign, as it did during the war in king William's time; for though the jealousies and animosities between the Dutch and British troops rose at that time to a very great height, during the first campaign, they were afterwards very little or not at all heard of, during the whole time of that war.

I come now, my lords, to the inclination or liberty the Hanover troops may have to serve the queen of Hungary, or to fight against the duke of Bavaria; and this I enter upon with the more pleasure, because it takes me out of the tiresome track of refuting false and ridiculous stories, and leads me into the reasoning part of the argument. Upon this head, I hope, none of your lordships will expect, that I should endeavour to justify the pacific schemes of a late minister, or the great deference that, in all his measures, he seemed to shew to the court of Versailles. Those schemes and measures, your lordships all know, I have often in this House exploded: I have often foretold the consequences of them; and the danger Europe is now in, the expence this nation is now exposed to, is a melancholy proof of my being, in that particular at least, too true a prophet. Whether those measures proceeded from the influence of the Hanoverian court upon that of Great Britain, or, which is more likely, from the influence of the British court upon that of Hanover, is not now a proper time to enquire. Our house is now on fire about our ears, and, in my opinion, we should think of extinguishing the flames, before we think of enquiring who raised the fire; for I could give a very good reason why it is impossible for us to do both at once. Now, my lords, as to the inclination of the Hanover troops to serve the queen of Hungary, I shall readily grant, that it must depend upon the inclination of the Hanover court; but I will say, that a British minister must have but a very slender capacity, if he does not make the inclination of that court coincide with the inclination of the court of Great Britain, because their interests are inseparable, and would be inseparable, even though the same person were not sovereign of both dominions.

What the inclination of the court of Hanover was, upon the late emperor's death, began very early to appear, my lords, by the great expence they put themselves to in augmenting their troops, and their making all the other necessary preparations for performing their engagements to the House of Austria; and if they were afterwards led into a neutrality, and to give their vote for the present emperor, it would be easy to shew, that it was because they found they would not be supported by this nation in any measures against France. The same spirit that prevailed over our councils in the year 1733, had still its baneful influence, and as at that time the backwardness of the Dutch was made a pretence for our sitting with our arms a cross, and allowing France to give laws to Europe, the same argument was again made use of for our not assisting effectually the queen of Hungary, as if a potent nation, like this, were to be governed in all its measures by a prevailing faction in the assembly of the States General. Whilst this nation was under the influence of that spirit, it became necessary for the court of Hanover to take care of themselves by a neutrality; but we may judge of their inclinations by the French putting themselves to the expence of sending a considerable army to the frontiers of Hanover, in order to overawe the inclinations of that court; for the French could not be such fools as to imagine, thereby to overawe this nation, be-

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cause if we had resolved to act, we might in a few weeks have sent from hence a superior army for the protection of that electorate. It was not therefore the inclinations of the court of Hanover, but the pusillanimous or Frenchified spirit then prevalent in the British court, that led them into a neutrality; and by their confining that neutrality to the short term of a twelvemonth, we must suppose, that they were resolved to assist the queen of Hungary, as soon as any change in the circumstances of Europe, or in the councils of this nation, should furnish them with an opportunity to do so, without exposing their own country to immediate desolation.

Fortunately for Europe, my lords, before the term of this neutrality expired, the good success of the queen of Hungary's arms in Bohemia and Bavaria, the defection of Prussia and Saxony from the French alliance, and a thorough change in the councils and measures of this court, furnished the court of Hanover with the opportunity they wished for; and accordingly, even before that term was expired, the troops they had agreed to lend us, began their march for Flanders, in order to enable us to form such an army there, as might make the French think more of defending their own frontiers, than of pushing the war either in Germany of Italy. But this was not all: the court of Hanover not only lent us a large body of their troops, but in order to testify yet farther their inclination to assist the queen of Hungary, they marched, the very beginning of last campaign, a large body of their own troops, and at their own expence, to join our army upon the Rhine; and though that body had not the good fortune to arrive time enough to share in the glory of Dettingen, yet they arrived time enough to have a share in the glory of driving the French out of Germany.

This last was such a testimony of the inclination both of the court and troops of Hanover to assist the queen of Hungary, that I am surprised, my lords, to hear their inclination doubted of; and as to their being at liberty to fight against the duke of Bavaria, or, if the noble lord pleases, against the emperor, no one who understands the constitution of the empire can doubt of it. But this question, it seems, is not to be determined by the constitution of the empire, but by the success of the war, because that alone is to determine whether the Hanoverians are in the present war to be deemed rebels or patriots. This, indeed, is one way of cutting off all reasoning upon the subject; but with his lordship's leave, I must insist upon the constitution of the empire, because no member thereof can be put to the ban, but with the consent of the diet; and no one of that assembly will give his vote for putting a brother member to the ban, unless he has been guilty of some breach of the laws of the empire. No success can make the emperor absolute in the empire, because his own allies, the French, would for their own sake oppose it; and nothing could tend more directly to make him absolute, than allowing him by his own authority, or by an undue influence upon the diet, to put a member to the ban, who has no way deserved it. This question therefore is not to be decided by the event of the war, but by the laws of the empire.

Now, my lords, we know that, by the constitution of the empire, every prince thereof is in a great many respects sovereign within his own territories: He may contract alliances with any foreign prince or state in Europe: he may in his own right, and by himself alone, or in conjunction with his allies, either within or without the empire, declare war against any foreign prince or state in Europe. Nay, if the emperor should, without the concurrence of the diet of the empire, declare war against any foreign power, no prince of the empire is obliged to assist him in such a war: Any prince of the empire may even join against him, not only as an auxiliary but as a principal, without being guilty of any breach of the laws of the empire. But if the empire should afterwards make the war its own, by declaring war against that foreign power, the prince who had before joined with that foreign power, must then desist and withdraw his troops; for against the emperor and empire he cannot carry on, or assist in carrying on a war; he cannot even lend his troops to any foreign power for carrying on a war against the emperor and empire. But till the diet of the empire declares war, every member of the empire may join which side he pleases; and in like manner, if the emperor should attack any one member of the empire, without any authority from the diet for doing so, all or any of the members of the empire may join with the member so attacked, and may carry the war into the emperor's hereditary countries, in order to compel him to give over his unlawful enterprize, and submit his

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claims to the decision of the diet of the empire; for by the laws of the empire it is as unlawful for the emperor, as for any other prince of the empire, to attack any member thereof, without an authority from the diet.

This being the constitution of the empire, your lordships must see, that every member may join which side he will in the present war, because the empire, or diet of the empire, have never yet declared war against either of the parties engaged. The diet has, it is true, granted 50 Roman months to the emperor, but they did not grant that subsidy to support the war, they granted it for supporting his dignity as their head, which they are obliged to do, when they chuse an emperor who has not wherewithal sufficient to support himself. By granting this subsidy, they neither approved of the war, nor declared war against the queen of Hungary; and, indeed, if the laws of the empire were to be the rule, all the members thereof ought to assist her against the emperor, because it was not she, but the emperor, or duke of Bavaria (as he then was) that began the attack; and it is expressly contrary to the fundamental laws of the empire, for any one member to attack another, till after he has laid his case before the diet, and has obtained their authority for doing himself right, which, it is well known, the duke of Bavaria never did.

From what I have said, your lordships must see, that the court and troops of Hanover are at full liberty to assist the queen of Hungary against the emperor, without being guilty of any breach of the laws of the empire, and without the least danger of being exposed to the ban. Accordingly they did assist as much as the British troops did; and both have assisted the queen of Hungary, as much as it was necessary for them to do. I hope none of your lordships expect, whatever may be expected by some hot-headed people without doors, that we should run our troops headlong into a battle, when the same end may be obtained without exposing our troops, or running the risk of a battle. The end we had last campaign in view, was to rid Germany of the French armies, that the several members of the empire might be free from restraint, and at liberty to follow their own inclinations. For obtaining this end we had no occasion to fight: If we prevented the French from sending sufficient reinforcements to their army in Bavaria, we knew that that army must retire. On the other hand, the French had it in view to send such reinforcements to their army in Bavaria, as might restore the emperor to the possession of his hereditary countries, and force the queen of Hungary to submit to their terms. This they saw they could not do without beating our army, and this they, through necessity, attempted at Dettingen. If they had succeeded, we should have heard nothing of his most Christian majesty's moderation and love of peace, in ordering his troops to evacuate Germany; but when they found themselves vanquished, instead of being victors, they foresaw that their troops must evacuate Germany, or run a very great risk of being all cut in pieces, by being obliged to engage in a general battle, without any lines to defend them, and in a country where they had no safe retreat, in case of their meeting with a defeat; and therefore they then endeavoured to make a merit of the necessity they were under, and pretended, that the orders sent to their troops to evacuate Germany, proceeded from his most Christian majesty's moderation and love of peace. But these pretences could impose upon none but children; for their army in Bavaria staid there as long as it possibly could, and their army under Noailles continued upon the Main, or near to it, watching for any opportunity to attack our army with advantage, till prince Charles's approach made it necessary for them to leave Germany, in order to seek for shelter behind their lines and fortifications upon the Rhine.

Your lordships must thus see, that our not attacking the French upon the Main, did not proceed from any unwillingness in the Hanoverians to fight against the emperor or his allies, but from the rules of common prudence; and his majesty's coming to the army, and taking the command upon him, proceeded from necessity rather than choice; for before his arrival the disputes among the generals had brought the army into such difficulties and confusion, that it would have run the utmost risk of being destroyed, had his majesty not arrived at the very time he did. Upon his majesty's arrival in the army, a person of very high rank was sent to him by the emperor, to know whether his imperial majesty might not come to and remain in safety with his family at Frankfort: his majesty sent immediately a person of great figure to assure him, he might. This answer was so far from proceeding from the

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emperor's having a vassal, as the noble lord was pleased to express it, in our army, that his majesty could neither in justice nor prudence have sent any other answer; because the emperor had then concluded, or was upon the point of concluding, a suspension of arms with the queen of Hungary, and because the refusing such a favour to the head of the empire, would have irritated all the princes of the empire against us. This answer was immediately communicated by express to the queen of Hungary, who so far approved of it, that she thanked his majesty for the answer he had sent, and added, that he could not have done her a greater piece of service.

Having thus shewn, my lords, that nothing that happened in our army before the French retired within their own frontier, can argue the least unwillingness in the Hanoverians to fight against the emperor or his allies, I shall next make a few remarks upon what happened afterwards; though as I am no general, nor was made acquainted with the reasons the generals had for their conduct; I can account for it no other way than may be done by any man of common sense and observation. This I am very sure of, that upon prince Charles's approach towards the Rhine, all the generals agreed, that it would be best for the two armies to act separately. This resolution did not proceed from any necessity occasioned by his majesty's being in the army, because, if it had been thought proper for the armies to join, his majesty certainly could and would have left it, in order to leave the whole under prince Charles's command; but the latter chose to march with his army up the Rhine, and it was certainly the opinion of all his generals, that he might soon find an opportunity to pass that river, in spite of all the care the French could take. If he had passed the Rhine with his army any where above Strasbourg, his taking the single fortress of Huningen would have opened him a way into Franche Comte and Burgundy, and till that fortress had been taken, his army might have been plentifully supplied with provisions from Switzerland; for though the cantons, on account of their neutrality, would not allow him to enter their territories with his army, they could not hinder their people from furnishing him with provisions.

In this case, my lords, the French would have been obliged to divide their army; one half must have marched away to the upper part of Alsace, to put a stop, if possible, to prince Charles's progress; and the other part must have remained in Lower Alsace, to observe the motions of the allied army under his majesty's command; and these two parts of their army would have been so far separated, that they could not have marched to the relief of one another. The allied army would then have been at liberty to have marched into Lorrain, or by the way of Luxembourg into Champaign, where likewise the French have but few fortresses to defend their country; so that if prince Charles could have passed the Rhine, we must suppose that the latter part of the campaign would have been more bloody than the first part of it, and both armies might very probably have taken up their winter quarters in the dominions of France. But as prince Charles was not able to pass the Rhine, the allied army durst not venture to march a great way from that river, lest the French should make a sudden march with the greatest part of their army, and attack them when it was not possible for them to retreat towards prince Charles, nor for him to march up to their relief.

This, my lords, was the true reason of the inactivity of the latter part of last campaign; prince Charles could not attack the French, because he could not find an opportunity to pass the Rhine; and his majesty could not attack them, not only on account of their strong lines, but because they had behind those lines an army much superior in number to his, even after he was joined by the Dutch troops; and then it was too late in the season to think of any very long march, or of going upon any very remote expedition. Our inactivity, therefore, did not proceed from any unwillingness in the Hanoverian troops to serve the common cause, or to expose themselves to danger, when the good of the cause they were engaged in, made it necessary for them to do so; and whenever any such necessity happens, I will undertake for their being as ready to expose themselves as any troops we have, or can have in our army. The electorate of Hanover is as much concerned in the event of the war as this kingdom; their liberties, their properties, and their religion, are at stake, as well as ours; and they can have no interest in prolonging the war; for though we pay a large sum of money for maintaining a body of their troops, that money is all spent in foreign countries, so that the electorate has no benefit from it: on the contrary, as officers who have any

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estate of their own, generally spend more than their pay, we must suppose, that a pretty large sum of money goes out of the electorate yearly, for supporting the extraordinary expence of their officers in our service; therefore, our having Hanoverian troops in our pay can neither protract the war, nor prevent the conclusion of a treaty of peace, even supposing that Hanover should have an influence, both upon our councils of war, and councils of state; which is a supposition no late measure has afforded the least ground for.

I have now, I think, fully answered all the objections I have heard made against our continuing the Hanover troops in our pay; and as to the objection, which was last year made against our taking them into our pay, and which has been now repeated, against continuing them, I mean, that of its being a wrong measure in us to think of assisting the queen of Hungary with troops, it was not only fully answered last session in this House, but it has since been fully answered by the success of last campaign. The French have been drove entirely out of the empire: the king of Sardinia has been not only kept firm to his engagements, but prevented from being swallowed up by inundations of French and Spanish armies; and the wary Dutch have been prevailed on to send 20,000 men to the assistance of the queen of Hungary. All these are the pure effects of our assisting the queen of Hungary with troops, and taking 16,000 Hanoverians into our pay for enabling us to do so. If we should alter or depart from this measure, after having by experience found so many good effects resulting from it, I should with the utmost regret apply to us the ancient proverb, 'Quos Jupiter vult perdere, eos dementat.'

Let us consider, my lords, what would be the consequences of our agreeing to the Address proposed: his majesty, right or wrong, must comply with it; for we could not give our concurrence to any grant made by the other House for supporting those very troops we had before desired to be dismissed; and for this very reason, I must look upon the Address proposed as an encroachment upon the prerogative of the crown. It is decked, I shall grant, in the modest and decent terms of an advice, which we have a right to give; but under that specious appearance there lies concealed a command, which we have no right to give to our sovereign. If we address, he must dismiss, because he cannot maintain; and the consequences of that dismission would, probably, be fatal to Europe as well as ourselves: the king of Sardinia would conclude he was no longer to be effectually supported by this nation, and would therefore accept of any terms offered him by France and Spain: the Dutch would cry, you have betrayed and undone us; and, in order to atone for their past transgression, might perhaps be prevailed on to join with France and Spain against us: and the queen of Hungary, finding herself thus deserted by her other allies, and judging that she could put no confidence in the fickle and changeable resolutions of this nation, she would certainly throw herself into the arms of France, and submit to any terms that court might prescribe. By this means France would get the absolute direction of almost all the courts of Europe; and in that case, I shall leave to your lordships' consideration, what terms we could expect from Spain, or how we could prevent France from sending the Pretender hither as her viceroy, and thereby depriving us at once of our liberties, our properties, and our religion.

For my part, my lords, I tremble when I think of what may be the consequences of this motion's being agreed to; and therefore, by my way of acting or voting upon this occasion, I shall shew, that I am an enemy to the ambition of France, a friend to the independency of Europe, a friend to the liberties of this nation, and a friend to the Protestant religion.

Lord *Lonsdale*:

My lords; I do not pretend to a great deal of learning in the orders of this House, or in our methods of proceeding: I have never given myself much trouble about inquiring into them, because I generally direct myself by the rule of common sense, so far as I can discover, from that small share of it which God Almighty has been pleased to bestow upon me; and if I thought any one of our orders or methods of proceeding inconsistent with that rule, I should be for taking the first opportunity to alter or abolish it. If we could never come to any resolution, nor offer any advice, without what is called a parliamentary knowledge of all the facts that might any way relate to it, we could not, in my opinion, ever come to any resolution, nor offer any advice, without a previous, formal and regular enquiry into facts; because it is hardly possible to con-

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ceive a resolution or advice that can have no relation to any fact whatsoever. But common sense directs me to think, that there may be some facts so notorious as not to require any enquiry, and that there may be cases where the facts ought not to be particularly enquired into, lest they should carry us farther than, at that time, the House intends to go. Of this kind are some of the facts now under our consideration: they are such as neither can, nor ought to be particularly enquired into, because of the great person that must appear to have been concerned. I really do not know if we have a right to enquire into them; but whether we have a right or no, I am sure, it would be very improper for us to enter into such an enquiry. I dare say, when your lordships reflect seriously upon it, you will be for letting your resolution rest upon the general knowledge we have of the facts that have been mentioned, rather than enter into any particular enquiry; and this general knowledge is, according to my rule of judging, sufficient for supporting what is now proposed.

The facts, I shall admit, my lords, are contested, but by whom are they contested? Not by any lord whose business it was to know and enquire into them, though we have the happiness to have several such lords in this House: not by any officer returned from the army, at least by none I have ever conversed with, and I have conversed with many upon the subject: likewise, some lords of my acquaintance have told me, that they have conversed with many others; and all confess every fact that has been mentioned as a foundation for this motion: all agree that the facts were notoriously known in the army, and all regretted that some of those facts should have been so publicly and so certainly known. Would you render them more public, would you render them more certain, by a solemn and particular enquiry at the bar of this House? Can any man be a sincere friend to our present happy establishment or the Protestant religion, that would promote such an enquiry, and force this House, perhaps the nation, into some violent resolution, rather than part with any of his favourite projects?

Besides, my lords, most of the facts that have been mentioned, are such as cannot be properly enquired into: Would you enquire into the courage of the Hanoverian troops? Can you enquire into the courage of any particular man? A plain fact you may enquire into, but a personal qualification can never be, by itself alone, a proper subject for a judicial enquiry. A man may be known to have little or no courage, though he never hid himself behind a tree in the time of danger, or though he never deserted a post in which there was little or no danger; and a man of real courage may by misfortune or imprudence get the character of a coward. Opinion is in this case the principal thing; and, I believe, most of us have had, in conversation with officers, the opinion of our army with regard to the courage of the Hanoverian troops. If our army have a bad opinion of the courage of those troops, whether that opinion be true or false, it is a good reason for dismissing them; because we cannot expect our troops will engage with alacrity, in conjunction with troops, upon whom they think they cannot depend for a proper assistance.

Would you enquire by whose counsels the army was governed? I hope you will not, my lords, for I am afraid of its being made too plain. Perhaps some of the British generals for the most part chimed in with the Hanoverian: I can easily conceive a reason for this, though I do not think proper to explain it. Perhaps too, some of the British generals complained of their advice not being taken, because not followed; and I must say, that a man has some reason to think his advice is not taken, when it is not followed; but there is a difference between hearing and regarding a man's advice, and no man of spirit will offer his advice when he finds it is not regarded. But whether a man's advice was regarded or no, is what he cannot prove; for it depends upon the air, the countenance, and I do not know what, of the person to whom it is given; by which the adviser may be in himself convinced, that what he said was not regarded, though no other person present took the least notice of it.

The preference said to have been shewn to the Hanover troops is likewise a fact which cannot be particularly enquired into; because a preference may be shewn to a body of men, and such a preference too, as may be most shocking to another body of men, and yet it may be impossible to prove it to the satisfaction of a court of judicature, because, perhaps, there were none present but such as were concerned of one side or the other, or because the preference consisted in such little punctilios as passed unobserved by those that were not personally concerned. This too

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is a fact that, I hope, your lordships will not particularly enquire into; for I am afraid, lest too frequent and too glaring instances of this preference should be made appear; and I should be sorry to see such instances published and confirmed by an examination upon oath at your lordships' bar. Upon this subject the noble lord who spoke last, said, that no king ever had his good qualities imputed to him as a crime. I chuse, my lords, to be as concise as possible, because I do not like to repeat what was said by either side upon such a tender subject. But I must differ widely from his lordship, for there are many good qualities that become blameable when too far extended. A generous, a merciful temper, are both very good qualities in a king, and yet both may be so far extended as to become highly culpable, if not criminal. Our own late history has furnished us with an example of a king, that was drove from his throne, for extending too far a quality which was in itself highly commendable: zeal for religion is certainly a good quality; yet this good quality ruined the late king James; for his zeal for the religion he thought the only true one, prompted him to commit such actions as made him first lose the hearts of his people, and soon after his crown. Therefore it is the business of those who are counsellors to a king, to watch over his good qualities as well as his bad, in order to stifle the latter as much as possible, and to prevent any excess in the former.

However tender this point may be, my lords, if the Hanover troops be continued in our pay, I do not know but it may be necessary for this House to take a little farther notice of the preference that was last campaign shewn to the Hanoverian troops, and even to pass a censure upon those ministers that might, but did not give better advice to their sovereign. This, I say, may be necessary, if those troops be continued in our pay, in order to quiet the minds of the British soldiers, and to convince them, that however negligent our ministers may be of their duty, we will neither neglect, nor be terrified from performing ours. That there was a preference, and even a shocking preference, shewn last campaign, in many instances, to the Hanoverian troops, is too generally known, to be contradicted or stifled. Our soldiers must not be ill used: if they are, they must be redressed by parliament, because they cannot redress themselves: they have not even the right that other subjects have: if they should petition, it would be deemed mutiny. They cannot expect redress by a complaint to their commanding officers: last campaign, they complained to their commanding officers; but they durst not freely represent their case; if they did, they found themselves neglected, perhaps treated with contempt. My lords, there is nothing more dangerous than to neglect the complaints of the army: the people will support their complaints; and the resentment of both will fall upon the administration, and even upon the two Houses of Parliament, if we too should neglect their complaints. We must, therefore, take care to remove their resentment from ourselves; and their present complaints deserve the more notice, because a neglect of them may be of the most fatal consequence to the illustrious family now upon our throne. But, I hope, our agreeing to this Address, and the dismissing of the Hanoverian troops in consequence thereof, will prevent its being necessary for us to enter upon such an ungrateful task.

Another fact, my lords, which has been much argued, because it is allowed, I think, upon all sides, to be incapable of proof by any evidence but that of reason, is the unwillingness of the Hanover troops to serve the queen of Hungary. That they are willing enough to take our money I have never heard doubted; but that they are willing to serve the queen of Hungary, which is the only service we have for them, is, I find, very much questioned, because it is questioned whether the court of Hanover be willing to serve that princess without any by view of serving themselves. And this, I confess, still remains a question with me; because, I think, it is very certain, that the court of Hanover never shewed any great anxiety about preserving the power of the House of Austria, nor did the British court manifest much anxiety that way, for many years before the late emperor's death. Whether the court of Hanover be influenced by the British court, or the British by the Hanoverian, is a question that may, I think, be easily resolved. When the measures pursued by both are such as are agreeable to the interest of Hanover, but contrary to the interest of Great Britain, I shall conclude, that the latter is influenced by the former; and when the measures pursued by both are agreeable to the interest of Great Britain, but contrary to that of Hanover, I

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shall conclude, that the court of Hanover is influenced by the British; but I must confess, that I never observed this last case happen, no not so much as once ever since the accession. This, it is true, could be no rule, if what the noble lord who spoke last says, be true. If the interest of Hanover, and the interest of Great Britain, be inseparable and always the same, we could not have any such rule for judging; but I so far differ from his lordship, that I think, the interest of the two countries can very seldom, if ever, be the same. It is the interest of Hanover to get additions made to its territories, to enter into wars for that end, when it has a good prospect of success, and even to get Britain involved in such projects; but, I am sure, it is contrary to the interest, and inconsistent with the laws of Britain, to involve itself in any such projects. Whether something of this kind was not intended upon the death of the late emperor, or at least upon the king of Prussia's invading Silesia, I shall leave to your lordships to determine; but I must have a suspicion, that some project of this kind was the cause of Hanover's augmenting its troops soon after the late emperor's death; and that it was not the backwardness of the British court to second the views of Hanover, that made the latter drop this project, but the project's becoming impracticable, or, at least, very doubtful and dangerous, by the French court's resolving to support the pretensions of Prussia and Bavaria against the House of Austria.

It is therefore evident, my lords, that before our agreeing to take 16,000 Hanoverian troops into our pay, that court had never any disinterested view of serving the queen of Hungary; and till it is made appear to me, that we could not get any other troops to hire, I shall suppose, that their lending us their troops, at such an extravagant price, proceeded rather from a view of taking our money, than from any real inclination to serve the queen of Hungary; for it is very remarkable, that notwithstanding Hanover's lending us such a large body of their troops, they neither augmented their army, nor sent a man at their own expence to join our army in Flanders, or any of the queen of Hungary's armies in Germany. Last summer indeed, they sent 5 or 6,000 men at their own expence, to join our army upon the Rhine: but as that body did not receive orders to march till after his majesty had fixed his resolution of going to the army, I must suppose, that the court of Hanover put themselves to that expence, with a view of doing honour to their sovereign, rather than with any view of doing effectual service to the queen of Hungary.

As to the excuses that have been made for the inactivity of the last campaign, they are so easily answered, that I shall give your lordships very little trouble on that head. The maxim that has been laid down, of its being imprudent to risk coming to a battle without having an apparent advantage, may be a good maxim for France, but not for this nation or for the queen of Hungary, especially in the present conjuncture. It is our business to push the war to a period as soon as possible, and for that purpose to take every opportunity to come to action, where we can engage without an evident disadvantage; but instead of this, in every instance during last campaign, we avoided doing any thing that might bring the army to a decisive battle, and a noble lord has already shewn, that our marching into Lorrain, or by the way of Luxembourg into France, would have contributed more to prince Charles's passing the Rhine, than our remaining where we did. What was the reason of prince Charles's chusing to pass the Rhine in the sight of, and in spite of a numerous French army, and in a country where redoubts and ramparts were raised at every place at which he could attempt a passage: I say, what was the reason of this extraordinary choice, when he could have passed without danger, without opposition, where our army passed, is, it seems, a piece of secret history we are not to be made acquainted with; but till we are, I must believe, that this was not choice but necessity which prince Charles was drove to, in order to please or humour his chief, nay, his only ally.

These extraordinary measures, this special care to avoid coming to action, are to me, my lords, very suspicious, and, indeed, almost a manifest proof, that if the court of Hanover are willing to serve the queen of Hungary, they are resolved that their troops shall serve her at as little peril as possible, and that they shall remain in our pay as long as possible. This may be the interest of Hanover, but, I am sure, it is not the interest of Great Britain; and I am surprised to hear any lord talk of Hanover and Great Britain's having the same concern in the event of the pre-

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sent war, because they are equally concerned in the preservation of a balance of power in Europe. I say, I am surprised to hear this talked of, when the present war is a full and a melancholy demonstration, that the princes of Germany prefer their own little selfish views, to the interest of Europe, and to the interest and tranquillity of their native country; and not only the present, but all past experience may convince us, that every prince and state in Germany may have some little selfish view of its own, that is inconsistent with the preservation of the balance of power, and that when this is the case, it will act in direct opposition to that general interest; whereas this nation can have no such view, nor, indeed, any reason for engaging in any of the broils upon the continent, unless it be for the preservation of that balance of power; and accordingly we have always generously engaged without any view but that of the general security, and have never got any thing by the most happy event, except perhaps some little additional advantage for our trade and navigation.

Hitherto, my lords, I have said nothing of the disobedience of the Hanover generals, or of the jealousies and animosities that have arisen between the British and Hanoverian troops. As to the disobedience of their generals, I do not think we have much to do with it, because it may have proceeded from a mistake, the cause of which we may guess at, and, I hope, there will be no such cause for the future. But as to the jealousies and animosities between the troops, I think, it is the principal thing we ought to have under our consideration. I am convinced of the fact from the many reports I have heard, and that alone I think sufficient for what is now proposed; but if other lords do not think so, if they think we ought to have what they call parliamentary evidence, they ought to move for it. The regular way, I suppose, is to appoint a day to take the state of the nation into consideration, and to order such of the officers who can give us any information to attend upon that day. If this should be agreed to, the affair will, in my opinion, depend upon one single question: for my own part, I should ask but one. The only question I should ask, would be, Is it, in your opinion, safe to bring these troops together next campaign? And if the most sensible and disinterested officers concurred in this opinion, I should be for dismissing these Hanoverians, let the consequence be what it would.

Surely, your lordships would not think of forming next campaign an army, composed of troops that hate one another more than they do the enemy, that would be more ready to attack one another than to attack the enemy, and that might very probably desert one another in the day of battle, not out of fear but out of resentment, that their hated companions might fall a sacrifice to their less hated foes. These animosities, my lords, our ministers were long since apprised of, therefore, if it be absolutely necessary for us to assist the queen of Hungary with troops, I hope, they have already provided for having other troops in the room of these hated, and therefore useless Hanoverians. If they have not, this Address will give them timely warning, and for this reason I approve of its being made so early in the session. To pretend that we can get no other troops to hire is no excuse; for if we cannot, we must levy more of our own, and send those abroad that are now a burden upon our otherwise over-burdened people. But I am far from being as yet convinced, that it is absolutely necessary to assist the queen of Hungary with troops; and I am sure we ought not to give the French a pretence to bring the seat of war into Flanders. We ought to chuse to have it continued in Germany, where it will be much more inconvenient, troublesome and expensive for France, and there, if we furnish the queen of Hungary with money, she will be able to raise men enough for opposing all the armies that France can send against her.

Thus, my lords, in every light in which this affair can be stated, our Address can be attended with no danger; and to pretend that it would be an incroachment upon the prerogative, because it would be a command rather than an advice, is a pretence that may be made use of against our offering our advice in any case where money is to be raised; for this is the very reason for proposing this Address. The noble lords who are for this Address are of opinion, that no money ought to be granted for maintaining the Hanoverian troops, because those troops can be of no service, but must be a great prejudice to the common cause; and as the question, in relation to the money to be granted by the other House for maintaining them, cannot come before us till near the end of the session, they take this method to ap-

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prise our ministers, that they will not give their concurrence to any such grant, which is certainly better than to say nothing of it, till the moment that we must either give or refuse our concurrence to that grant; because our ministers could not then have time to provide any other troops in the room of these Hanoverians. This motion I therefore look on as a testimony of the sincere regard these noble lords have for his majesty, and of their candour with respect to our ministers: it is a sort of previous trial, whether this House will or will not give its concurrence to the grant that may be made by the other for maintaining the Hanoverians, and as I shall be against our giving that concurrence, let the question come before us when it will, I should be afraid of being accused of treachery, if I did not now declare my opinion, by giving my vote for this motion.

The Earl of *Morton:*

My lords; a noble lord, whose sentiments I have always the greatest regard for, has said in this debate, that as he was determined to be against granting any money for maintaining the Hanoverian troops, he should be afraid of being accused of treachery, should he not give his affirmative to this motion. Now, my lords, as I shall give my negative, I believe, to this motion, I therefore think it necessary, for preventing any such accusation, to declare, that I am not yet determined to be against granting any money for maintaining the Hanoverian troops: and after making this declaration, I hope, no one will expect, from my way of voting upon this occasion, that I should agree to the other question when it comes regularly before us.

From what has been said this day, and extremely well said upon both sides, I see many strong arguments both for and against our keeping the Hanover troops in our pay: so strong, my lords, that I profess myself at a loss how to determine; and, really, cannot determine till I have had time to consider the question at more leisure, and with greater deliberation. This alone would be sufficient for my being against the present motion; but this is not my only objection. I am against the motion because I think it unnecessary, and because, in the light I view it in, I think it disrespectful to my sovereign. I think it unnecessary, my lords, because the contract for the hire of these troops expires at Christmas next, and therefore if it be intended to be renewed, an application must be made in a few days to the other House, for money to maintain those troops for another year; for the contract will not surely, be renewed till the other House has granted the money, and if the other House should refuse to grant the money, the troops must be dismissed of course. I, therefore, think it quite unnecessary for us to present any such address as is now proposed, till we see whether the contract is to be renewed or not, especially as we must see this in a very few days, perhaps before we can have an opportunity to present our Address to his majesty.

I must therefore think, my lords, that our agreeing to such an address at present, would look as if we were afraid lest these Hanoverian troops should be dismissed, before we had an opportunity to shew our resentment by addressing against them; and this brings to my mind a story that happened in Scotland, in the violent reign before the Revolution. A poor gentleman there being taken up and accused of high treason, he was by imprisonment, torture, and the other methods of compelling a confession, then usual in that unhappy country, reduced to such a low state of health, that when he was brought upon his trial he was near expiring; so that the then governors, I should rather say oppressors, of that country, were apprehensive of his not living to be condemned and executed, and therefore they resolved upon the utmost dispatch: the unfortunate man was accordingly, after a short trial, condemned by eleven o'clock, and executed at two, lest they should have have been, by his death, disappointed of the pleasure of seeing him executed, had the tragedy been deferred till next day. I hope your lordships will do nothing that may in the least resemble any of the proceedings of that violent reign; and therefore, I hope, you will not at present resolve upon any such address as is now proposed.

But beside being unnecessary, my lords, I have said, that in the light in which I view this motion, I think it disrespectful to his majesty. I am convinced, the noble lords who made and supported the motion, view it in a quite different light, otherwise they would neither have made nor supported it; but I must judge of it as it appears to me, and I must think, that as the Hanoverians are his majesty's sub-

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jects, we ought not to give credit to the reports upon which this motion seems to be founded, till they have been fully proved in a regular course of examination; and this caution we are by much the more obliged to observe, as some of the reports seem to affect his majesty's personal conduct. To give so much credit to such reports as to make them a foundation for an address against his majesty's subjects the Hanoverian troops, seems to me to be a very improper return to his majesty for the fatigues and perils he exposed himself to last campaign, especially as he thereby added to the triumphs of this kingdom, by the glorious victory he obtained over its most ancient and most inveterate enemies. This, my lords, is very different from the conduct of the Roman senate, who went out in a body to meet Terentius Varro returning from the defeat at Cannæ, of which he himself had been the chief cause, and to thank him, 'Quod de 'republica non desperâsset.'

After what I have said, my lords, I need not enter into the merits of the question, whether or no the Hanover troops ought to be continued in our pay; and therefore, I shall conclude with declaring against this motion, but expressly reserving to myself a liberty to be for or against the other question, as I shall see cause, when it is brought regularly before us.

The Earl of *Cholmondeley:*

My lords; this debate has been carried on with so little regard to decency of language, and the highest name of the kingdom has been mentioned in it with so little regard, that I know not, whether it ought to be prolonged even to confute those arguments by which these outrages have been incited.

The chief pretence for these unjustifiable and unsupportable exclamations, has been given by the mention of some facts, which it has pleased the noble lords who support the motion, to suppose true, without any proof, and which, those who disapprove it, arĕ at liberty, likewise, without reason, to conclude false.

But, because I would not willingly imitate that conduct which I censure, I shall give the reason which inclines me to believe, that the rumours which have been so diligently propagated, and so loudly exaggerated, have no real or solid foundation; that they were originally nothing more than the murmurs of discontent, which became afterwards the clamours of faction; that they were at first only the complaints, perhaps unjust, of particular men, which, because they might be made useful to a discontented party, were afterwards enlarged into public grievances.

That this supposition is not unreasonable, will appear from the consideration of the constant and regular method by which military offences are punished, and the disorders of a camp or an army redressed. If any officer neglects his duty, or disobeys the orders of his commander, a court martial is immediately to be summoned, before which his offence is to be shewn, and by which his punishment is to be awarded; nor is there often any necessity of an appeal from the justice of those courts to any other jurisdiction.

At least, my lords, it must be allowed, that extraordinary methods are never to be taken, except in cases where the common forms of procedure are found by experience, or foreseen by reason, to be ineffectual; and I cannot discover, why it should have been imagined, that disobedience, so flagrant as has been mentioned, would have escaped punishment; and, therefore, I cannot but suspect, that those crimes, of which no complaint was made, were never committed.

The Earl of *Litchfield:*

My lords; as it is the first time of my speaking in this House, I am under too great a concern to express my sentiments so freely and clearly as I ought, and should have chose to sit still; but the duty I owe my country gets the better of the concern I am under, and forces me up even against my inclination, that I may, in the most open and explicit manner, declare my assent to the Address now under your consideration. In my opinion, there was never any thing occurred in this nation, which more necessarily required our addressing the throne, than the subject upon which it is now proposed we should address. Not only the liberties of this nation, but the liberties of Europe depend upon the success of the war we are now, as auxiliaries, and I can foresee, will very soon be as principals, engaged in; and that all these should be sacrificed to a mere Hanover job, raises my indignation, I must confess, above that coolness with which every lord ought to express himself in this House. I say, my lords, a Hanover job: it is not only a Hanover job, but a job of the most sordid kind; a low trick to draw this nation in, to give a large sum of our

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money to Hanover yearly, and for that purpose to risk the success of a war, upon which our own and Europe's liberties so evidently depend.

To afford a pretence for our giving this sum of money yearly to Hanover, it is said, that we neither could, nor can now get any other troops to hire. If this had been true, my lords, it would have been a most unanswerable argument for our not interposing in the present disputes in Europe, any other way than by our good offices. We were engaged, it is true, by a precipitate treaty, to guarantee the Pragmatic Sanction: till the Dutch taught us more caution, we engaged, I shall grant, to guarantee that settlement of the Austrian succession with all our force; but if it appeared evident, when the *casus fœderis* happened, that all the assistance we could give, would be ineffectual, because none of the other powers of Europe, who were as much engaged by treaty as we, and more engaged in interest to defend the queen of Hungary, would either assist her, or lend us any troops for that purpose: I say, if this appeared evident, we ought not to have given her any assistance, nor to have interposed in the war any other way than by our good offices, to procure her the best terms of peace that could, in such an unlucky conjuncture, be obtained; for surely, no treaty can oblige us to send our troops to be destroyed, or to send our money to be ineffectually thrown away.

Therefore, my lords, if the fact was true, that at the time when we first took the Hanoverians into our pay, we could get no other troops to hire, we ought not to have taken them: If the fact be now true, that we can, at this time, get no other troops to hire, we ought not to continue them in our pay; especially as even Hanover itself refuses to assist the queen of Hungary any farther than what we pay for. But I am persuaded, the fact neither was, nor is true: when the treaty of Breslau was in negociation, I have good reason to believe, from the situation of affairs at that time, and even from what I have heard, that we might have got the king of Prussia to have lent us any number of troops we pleased: nay, that we might have got him to have joined with us and the queen of Hungary, if we had offered him such a subsidy as we have since paid for the Hanover troops; and if we had done this, we should now, I believe, have been in a fair way of obtaining every thing we could desire from Spain, and of resettling the balance of power upon such a firm basis, as not to be easily shaken for many years to come. My lords, if we had engaged Prussia in an offensive war against France, the Dutch might then, perhaps, have ventured to have acted with a little more vigour, and then we might have thought of the otherwise Don Quixote enterprize, I mean that of obtaining from France an equivalent for what the queen of Hungary had yielded to Prussia. As the king of Prussia would, in that case, have been instrumental in obtaining that equivalent, it would have reconciled him so to the court of Vienna, that he might, in some measure, have depended upon the undisturbed possession of what was yielded to him; but from his neutrality only he cannot expect a thorough reconciliation with the court of Vienna: therefore we may foresee, that he will take the first opportunity to be reconciled with the court of France, for his deserting them in the manner he lately did, because France is the only power in Europe, upon which he can safely depend for a guarantee of Silesia against the House of Austria; and the more that House is aggrandized, or in a way of being aggrandized, the more reason he has to seek for this guarantee, and to take the first opportunity for obtaining it.

Beside the king of Prussia, my lords, there were several other princes in Germany who had troops to lend, and, I am persuaded, would have been glad to have taken our money; and by hiring troops from several of them, we might have had this further advantage, that we might thereby have induced, at least some of the circles, if not the diet of the empire, to have declared vigorously in our favour, and to have claimed that right, which certainly belongs to them by the constitution of the empire, I mean the sole right of judging and determining the disputes that may happen between the several princes thereof. The Swiss likewise, who, as long as they have men in their country, can never be in want of regular well disciplined troops, would, I believe, have been glad to have taken our money; and as the supporting of the war in Italy, by sending troops thither from Germany, is the most inconvenient and expensive for the queen of Hungary, I must insist upon it, that the Swiss troops would have been more proper for the assistance of the queen of Hungary than Hanoverians; because the former could have much more easily marched into Italy, where, I am sure, it was more for

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our interest to push the war, than to think of pushing it in Flanders, where, in my opinion, it was most ridiculous for us to think of forming an army, unless the Dutch had previously desired it, in order to enable them to declare themselves as principals in the war against France.

My lords, as this House has not of late years been let into any secrets relating to our foreign transactions: as there are no papers upon your table that can be a proof of the difficulties we met with in our solicitations for the hire of foreign troops, we can judge from nothing but public appearances; and from them, one of these two conclusions, is, I think, evident to a demonstration, either that we ought not to have engaged in the war, or that we might have got troops to hire from several other states beside Hanover; and if we had nothing in view but the balance of power in Europe, it is, I think, as evident, that we should have chose to have hired Swiss troops, or the troops of any other prince in Germany, rather than those of Hanover. I must therefore look upon our hiring those troops, to be nothing but a job for getting a large sum of our money for Hanover; and I shall take this opportunity to declare, that I shall always be against Hanover jobs of every kind, but especially this, because I think it one of the worst kind that was ever thought on: I believe, it was the chief cause of our entering so far into the war: I believe it is the chief cause of the war being now continued; and I fear, it will be the cause of the war having a very unhappy issue, both for the House of Austria, and for this nation. Even my regard for Hanover must make me against our continuing these Hanover troops in our pay; because, if it be designed that they should act vigorously in this war, which I much doubt of, it may draw Hanover in to be made a principal in the war, and this will lay us under a necessity of taking the whole, or the chief burden of the war upon ourselves alone; because every ally we have upon the continent will tell us, If you do not do so or so, we'll desert you: we'll leave Hanover to be sacrificed. Whereas, if we had no stake upon the continent, our allies would always be afraid of our deserting them, but we might laugh at their threatening to desert us, because, being environed by the sea, we could stand collected in our own strength, and bid defiance to most of the princes upon the continent, supposing them all confederated against us. Thank God! Hanover is not as yet engaged as a principal in the war: lest it should, I shall be against continuing its troops in our pay; and as the question cannot come in the usual manner before us, till towards the end of the session, when it will be too late for dismissing them, I shall be for agreeing to this motion; especially as we may judge from the fate of a motion of the same nature, but two days ago, that the other House will agree to the continuing of those troops in our pay, for another year; before the expiration of which, that may happen which I dread most, I mean that Hanover will be engaged as a principal in the war, and this nation thereby of course made the slave, instead of being the mistress, of our alliance upon the continent.

The Marquis of *Tweedale*:

My lords; as all the arguments for and against this motion have already been fully discussed, I rise up only to take notice, that if the motion be disrespectful to his majesty, as I think it is, the debate, as it has been managed, has become a great deal more so. Some lords, I think, have taken the liberty to express themselves in such a manner, as shews a disrespect, not only to his majesty, but even to this august assembly. They have made use of expressions, which might perhaps suit well enough with the method of speaking in the other House, but are very unbecoming in this, where the utmost decency ought to be observed. A warm zeal for what we think the cause of our country, is, I shall grant, highly commendable; and in an assembly where the passions of mankind are to be applied to, a speaker may give some latitude to his own; but in speaking to this assembly, we are to apply to the reason of mankind only, and therefore every lord should moderate the warmth of his zeal before he rises up to speak here, and should set such bounds to his passion, as not to allow it to hurry him into any indecent expressions.

I need not repeat, my lords, what has been already so well said in this debate, but as I am up, I must remind your lordships, that unanswerable reasons have been assigned why we could get no other troops to hire but the Hanoverian; and whatever other lords may think, I am far from being of opinion, that the Hanoverian troops were the last we should have chosen to have hired. On the contrary, I think, they were preferable to all others, for these reasons: they are certainly as good

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and as well disciplined troops as any in Europe, and as we could more certainly depend upon having them entirely at our command, they were therefore preferable to all others. Besides, if we had hired troops from any other prince, we must have paid him a subsidy, over and above paying equally dear for his troops; so that the Hanoverian troops come cheaper to us in the main, than the troops of any other potentate; and our taking them is attended with this further advantage, that we can dismiss them whenever we please, and may be sure of having them as long as we please: whereas, had we hired troops from any other potentate in Europe, we must have hired them for a certain number of years, or if we had hired them but for one year, we could not have been sure of having them the year following, should we then have stood never so much in need of them.

These reasons, I shall admit, my lords, have before been all sufficiently explained, but as I was up, I thought it necessary to remind you of them; and as I cannot say any thing new upon the subject, I shall conclude with declaring, that I am most heartily against the motion.

The question having been repeatedly called for, was at length put, when 36 voted for it, and 71 against it.

Protest on rejecting the said Motion.] Upon which the following Protest was entered:

"Dissentient.

1. "Because we conceive that the reasons assigned in the question, not only justified, but called for that question, as a proper and necessary exercise of the inherent rights of this House, to advise the crown; and we are convinced, that such jealousies and animosities have arisen, and will continue between the troops of Great Britain and those of Hanover, that they can no longer act together, without evident danger of the most pernicious and fatal consequences.

2. "Because this our conviction is founded upon the most public and universal notoriety, first transmitted from the army abroad, then confirmed without doors, by the unanimous and concurrent accounts of all the officers that are returned from them; and now uncontradicted by any of those noble lords, who had the honour of serving the last campaign, and who were appealed to for the truth of this proposition, while the question was under our consideration: a silence which, we apprehend, amounts to a demonstration of the truth of the facts alledged.

3. "Because an army divided against itself, in such a manner as ours will certainly be, if the 16,000 Hanoverians are still to continue a part of it, can give no strength to whatever allies we have, no terror to our enemies, but must greatly obstruct, and probably defeat the success of any operation or service in which it can be employed.

4. "Because the incompatibility of the British and Hanoverian troops being known to all Europe, nothing can be a greater inducement to the queen of Hungary and the king of Sardinia, to quit our alliance, and make a separate peace for themselves, than if they should find, that, instead of a real and effectual support, we are resolved to give the name of an army only; which, from the above-mentioned reasons, cannot co-operate in any plan for their service, or the benefit of the common cause.

5. "Because we apprehend, that were it necessary, there would be no difficulty in replacing the Hanoverian troops, with 16,000 others, at least as good, and as cheap, and not liable to the same, or any other objections from other states, who would be very willing to treat with us about such a bargain. Nay, we conceive, that this number might, without any danger, be, in a great degree, supplied by our national troops now in Great Britain, and still leave more for the defence of the kingdom at home, than were kept here at any time during the last war. And we can discover no good reason, in our present burthened and exhausted condition, for keeping a number of national troops useless at home, and paying at the same time so considerable a number of useless mercenaries abroad.

6. "Because the willingness of the States General of the United Provinces, or any other power in Europe, to enter into a closer conjunction with us, at this critical time, must chiefly depend upon the idea they shall conceive of the state of this nation at home, especially with regard to the greater or lesser degree of union and harmony, which shall appear to subsist between his majesty and his people in these his royal dominions. And it is known all over Europe, how much discontent and dissatisfaction the taking these 16,000 Hanoverian troops into the pay of Great

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Britain, together with the many unhappy and mortifying circumstances that have attended that measure, has universally raised in this kingdom; and how much reason there is to apprehend an increase of that dissatisfaction, if it should be a determined measure of government, to continue so odious a burden upon the nation, not only without any advantage, but with the most visible danger to the service abroad.

7. "Because we conceive it to be as much the duty, as it is the right of the peers of this realm, who are hereditary counsellors to the king, and mediators between the crown and the people, to interpose their timely advice against such measures as are calculated, in our opinions, for the private views of particular people only, have a manifest tendency to alienate the love of the nation in general from this royal family, which we will always support with true English hearts, and with such counsels, as we do in our consciences think the most conducive to their glory, and to maintain and preserve the honour and dignity of that British crown, to which alone we owe our allegiance.

8. "Because we know there are partialities almost inseparable from human nature, and blameless in themselves, when acting within their proper bounds, which yet must have a most fatal influence, if encouraged to mix themselves with the affairs of this nation, either in the council or in the camp; and we do, from our souls, scorn and abominate that most abject and criminal adulation, which either gives way to, or inflames such partialities, in prejudice to the national honour and interest of our country: we therefore thought it necessary, to enter those our reasons against the further continuance of these mercenaries, which for one campaign only, have already cost this nation near 70,000*l.* and which appear to us to have been, in many instances, disobedient to British orders, and utterly incompatible with British troops: that, as our votes have, we hope, proved us to the present age, our names in the books may transmit us to posterity Englishmen.——*(Signed)* Marlborough, Talbot, Chesterfield, Bridgewater, Coventry, Shaftesbury, Abingdon, Denbigh, Stanhope, Sandwich, Bedford, Huntingdon, Aylesbury and Elgin, Haversham, Thanet, Masham, Rockingham, Hereford, Litchfield, Westmoreland, Northampton, Foley, Gower, Mansel, Beaufort."

*Debate in the Commons on the Conduct of the War.**] December 15. A motion was made, and the question being proposed, "That an humble Address be pre-

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Nothing material passed in the House of Commons till the 15th of December, when the Antiministerial Cabinet thought fit to give us a specimen of their skill in drawing questions, as well as steadiness in maintaining what they had once agreed upon.

G. Grenville, seconded by Mr. Lyttleton, moved, "That an humble Address be presented to his majesty, most humbly to beseech his majesty, that, in consideration of the exhausted and impoverished state of this kingdom, by the great and unequal expence it has hitherto been burthened with, he will not engage this nation any farther, by acting as we have hitherto done, or by entering into farther engagements with other powers, without first entering into an Alliance with the States General, for supporting and carrying on thereof, upon stipulated proportions of strength and expence, as was done in the late war."

The improper, loose, and inaccurate manner of wording this question was exposed with great spirit and force by the Solicitor General.—"If the preamble was undeniably true, (which he could by no means admit), where was the wisdom of declaring our inabilities to the whole world? Was that the method of inspiring our enemies with moderation, or obtaining even a tolerable peace? He took it for granted that no gentleman proposed an Address which he did not think ought to pass, but if this met with the approbation of the House, he did not see how it was possible for the ministers to regulate their conduct by it, so indefinite and general were the terms of it. Did they mean by advising the king 'not to act as he had hitherto 'done?' that he should not drive the French out of Germany, or give them another defeat if an opportunity presented itself? Was not he to detach such a power as Prussia from the French interest, if unhappily for the common cause it should again become necessary, or keep the combined fleets of France blocked up in Toulon by continuing his fleets in the Mediterranean, and yet he said those expressions

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sented to his majesty, most humbly to beseech his majesty, that, in consideration of the exhausted and impoverished state of this kingdom, by the great and unequal expence it has hitherto been burthened with, he will not engage this nation any farther, by acting as we have hitherto done, or by concerting further measures, or entering into further engagements, with other powers, without first entering into an Alliance with the States General of the United Provinces, for the support-

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implied a censure upon every measure good or bad, unfortunate or successful, which had been pursued.—He urged further, that as the motion was worded, the king was tied up from entering into any engagements of any kind whatsoever, wherein the Dutch did not concur. How dishonourable was that to his majesty and the nation, whose councils would be made dependant on the negative of the pensionary of Dort, how detrimental might it be to the interests of both, since though Holland and England had one great object in pursuit in which they were united, they had others in which they differed, as in matters of trade, &c. But supposing the intent of the motion was only to restrain the king from taking any further measures in support of the queen of Hungary, unless the States General would bear a part in the expence and the danger, he thought it could not be defended even upon that more limited footing. The Dutch and we had both given our guaranty to the Pragmatic Sanction by the treaty of Vienna, and the non-performance of one of the contracting parties did not excuse the other from making good their engagements. That treaty settled likewise the degree of strength which was to be employed; at first a small proportion, but if that did not prove sufficient we were bound to assist the House of Austria *totis viribus*. The Dutch, whose motions from the form of their government are slow and embarrassed, had already marched a considerable body of their troops as auxiliaries to the queen of Hungary last campaign, and if we did not relax, our vigour would in all probability take a stronger part the next: but yet he thought it by no means advisable to connect ourselves so closely with them, as to lay it down as an invariable maxim, that we were not to stir a step in support of our allies abroad unless we could procure at the same time the unanimous suffrages of the provinces which composed the Republic of Holland."

Mr. *Pitt* in his reply seemed to admit that the preamble was improper and might be left out, without prejudice to the drift and meaning of the motion: as, said he, any gentleman might willingly give up

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the preamble to his patent of peerage, provided what was essential in it, the peerage itself, was preserved to him. But he argued, that the most intimate connection with the Dutch should be considered as the basis of our foreign politics, and more particularly in the present juncture. It would be happy for this country if the sober maxims and well weighed councils of their government had an influence upon ours, which, he insinuated, were under the direction of a desperate rhodomontading minister. That all defensive views were answered by the expulsion of the French out of the empire, and it would be a more difficult attempt ten times for us to make an impression upon their frontier, than it was for them to penetrate into the heart of the queen of Hungary's dominions, out of which they had been obliged to retreat with so much disgrace. He said, if this Address passed it would reduce us to a specific object, and confine the headlong spirit which possessed some of the ministers to more moderate views. He wished, therefore, for the sake of the rest, that it might go in the affirmative. He concluded by asserting, that the little finger of one man for the last six months had lain heavier upon the nation than the loins of an administration which had continued twenty years.

Whilst the debate was kept up by other speakers, Pitt, Lyttelton and Grenville went aside and amended their original motion, which was supposed to come from the masterly pen of Waller. The form into which they modelled it was certainly less liable to objections; but as the groundwork continued the same, there was still sufficient reason for rejecting it.

Sir *W. Yonge* spoke to the following effect:—Mr. Speaker; we have now a second edition of this motion corrected and amended by the authors, but I am not more reconciled to it as it stands at present than when it was first proposed to you. The hon. gentleman had prefaced it with some reasons which I thought very bad ones, to induce us to come into it; now it seems, they are omitted, and we are to give none at all, which proves to me that those who offer it, have no good ones to

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ing and carrying on thereof upon stipulated proportions of force and expence, as was done in the late war;" an Amendment was proposed to be made to the question, by leaving out the words " in consideration of the exhausted and impoverished state of this kingdom, by the great and unequal expence it has hitherto been burthened with:" And the question being put, that the words proposed to be left out stand part of the question; it passed in the negative.

Another Amendment was proposed to be made to the question, by leaving out the words " by acting as we have hitherto done, or by concerting further measures, or entering into further engagements with other powers," and inserting instead thereof, these words, " on the continent, in favour of the queen of Hungary:" And the question being put, that the words proposed to be left out stand part of the question; it passed in the negative. Then the question being put, that the words " on the continent, in favour of the queen of Hungary," be inserted instead thereof; it was resolved in the affirmative.

Another Amendment was proposed to be made to the question, by leaving out the words " supporting and carrying on thereof," and inserting instead thereof, these words, " in support of such measures:" and the question being put, that the words proposed to be left out stand part of the question; it passed in the negative.

Then the question being put, that the words " in support of such measures," be inserted instead thereof; it was resolved in the affirmative.

Another Amendment was proposed to be made to the question, by inserting before the word " stipulated" the words " certain proper:" and the said Amendment was, upon the question put thereupon, agreed to by the House.

Then the question, thus amended, being put, " That an humble Address be presented to his majesty, most humbly to beseech his majesty, that he will not engage this nation any further on the continent in favour of the queen of Hungary, without first entering into an alliance with the States General of the United Provinces, for the support of such measures, upon certain proper stipulated proportions of force and expence, as was done in the late war;" the House divided. Ayes 132; Noes 209. So it passed in the negative.

Debate in the Commons on continuing the British Troops in Flanders †.] Jan. 11, 1744. In a Committee of Supply, the following Resolutions were agreed to: 1. " That 634,344*l.* 11*s.* 4*d.* be granted to his majesty, for defraying the charge of 21,358 effective men (commission and non-commission officers included) to be employed in Flanders for 1744. 2. That 19,028 effective men, including 815 invalids, with commission and non-commission officers, be employed for guards, garrisons, and other services, for 1744. 3. That a sum, not exceeding 561,794*l.* 5*s.* 5¼*d.* be granted for defraying the charge of the said forces for guards and garrisons.

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assign: besides, as the tendency of it appears to me to be neither more nor less, than telling the queen of Hungary, that we are tired of the war, and she is to expect no further assistance from us;—and as it may hurry her into a separate peace, and consequently into the arms of France, I shall give it my hearty negative.

Division, Ayes 132.
Noes 209.
Majority —73.

Lord Petersham, to the surprize of every body, voted with the minority.

Mr. *Lyttelton*, in seconding the motion, asserted that the Dutch would always cooperate with us upon the continent when their real interests were concerned, and instanced in the Triple Alliance, when he said England and Holland prescribed laws to Lewis 14th, united by a sense of their common danger, though Holland, particularly the pensionary De Wit, had been in an intimate conjunction with France but just before. But he did not state that affair with accuracy. Mr. Doddington spoke indifferently that day, and I remember nothing peculiar which fell from him, except a pretty strong insinuation that the minister (by which title they affect to distinguish lord Carteret) endeavoured to make himself absolute in the closet, that he might afterwards make his master absolute in the kingdom.*

* Just before the recess, threatning letters (the Post mark dated Oxford) and signed Wat Tyler, were sent to the Speaker and lord Carteret to acquaint them, that 300 men had obliged themselves by oath to tear the latter in pieces, limb by limb, if he brought in the Hanover troops that winter, as well as all the members who voted for them.

† From the London Magazine.

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4. That 11,550 marines (commission and non-commission officers included) be employed for 1744. 5. That 206,806*l.* 10*s.* be granted for defraying the charge of the said marines."

On the motion for agreeing to the first Resolution, the following debate ensued*:

Mr. *Winnington:*

Sir; as we are now in the Committee of Supply, and have had the estimate for the support of our troops in Flanders referred to us, it is my duty to make you the proper motion for providing for that service; and though I cannot suppose, that the motion I am to make will be rejected; yet, as I think it would be for the public good to have it unanimously agreed to, I shall beg leave to explain the utility, and even the necessity of the service, before I desire you to provide for it. The support of the queen of Hungary, and

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

There was a long Debate in the House of Commons on the 11th of January: Whether the British troops should be continued in Flanders for the year 1744? The opposition first endeavoured to put off the consideration of this affair to a further day, by moving that an Estimate of the expences incurred last year but not provided for by parliament, should be forthwith laid before the House. They said it was necessary gentlemen should be fully apprised of every branch of the charge which attended the keeping up a numerous army on the continent, that they might be enabled to judge whether the nation could afford to pay so large a sum for the continuance of it another year. To this it was answered, that the account of Extraordinaries was already ordered to be brought in, the very first day of the session, and that the sole reason of its not having yet been done, was, that those Accounts (which were very extensive) had not been so fully liquidated and adjusted by the proper offices, as that the ministers could justify the laying them before the House; and that they would answer for it there should not be one moment delay after the particulars were settled, towards which all possible expedition should be used. When this little velitation was over, Mr. Winnington opened the main question, "That the sum of 634,344*l.* should be granted towards the keeping up 21,358 British troops for the year 1744."

A debate ensued, which lasted till 8 o' the clock. I had prepared pretty large Notes, but I did not speak to them all, being apprehensive that I had not such a command of myself, as was necessary, to go through every part of the matter which I had collected.

"Mr. *Fane;* I am not much surprised, Sir, that gentlemen who have from the beginning opposed every vigorous step that has been taken in support of the queen of Hungary, should continue their opposition by endeavouring to put a negative upon the question which is now before you. Nor can it appear strange to them, that those who have all along declared their approbation of the part which his majesty and the parliament have acted in this great scene of affairs in Europe, should be equally consistent in their behaviour, by giving their affirmatives to a motion, so indispensably necessary towards carrying on the measures in which we are now engaged abroad.

"I have listened, Sir, with the utmost attention to the arguments which have fallen from my hon. friend * who spoke last against the continuance of our forces in Flanders, and I cannot help thinking that they could never be urged with a worse grace than in the present debate, since the events of last summer seem to have verified, what was before only speculatively probable, that the restoring the House of Austria to a reasonable degree of weight in the scale of Europe, is no such impracticable undertaking; and I am sure nothing has yet appeared in our conduct which can tend to prove, what I have frequently heard thrown out in this House, and was, I think, insinuated by the hon. gentleman, that we are on the point of engaging in a desperate war of Equivalent and Acquisition.—All our councils and operations have been hitherto of a preventive or auxiliary nature, calculated not to inflame the quarrels which have broke out on the continent, but to appease them; to secure or restore to our allies the quiet enjoyment of their dominions, agreeably to former treaties, not to assist them in the invasion of the rights of others. With this view we mediated a reconciliation between the queen of Hungary and the king of Prussia; with this view we

* My old schoolfellow, Mr. Stanley.

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in that the preservation of the balance of power, is a measure which I need say nothing in favour of, because it has been recommended to his majesty by his parliament, and by the general voice of his people. In pursuance of this, his majesty

have formed armies in the Netherlands, to divert France from oppressing either the king of Sardinia, or the queen of Hungary by a superior force; with this view we have marched and acted in the empire, and upon this footing we must continue to act, till some reasonable plan of peace is offered,—or, to be more explicit, till France will speak out, will tell us what she aims at for herself and her allies clearly and specifically. I should be sorry, Sir, if I have truly stated the conduct which this country has hitherto held, that any well wisher to its honour and prosperity, or to the general independence of Europe, should venture to lay it down, that it is not incumbent upon us to maintain the Pragmatic Sanction, when France has, in defiance of the faith of treaties, broke through their guaranty, conceived in terms equally strong and binding with ours, without even resorting to that ingenious subterfuge which they invented on a former occasion, of distinguishing between the spirit and the letter of their engagements. But I know gentlemen will say, we do not differ with you about the general point of supporting the queen of Hungary, but about the means of doing it,—and that it would be more convenient for England to assist her only with pecuniary aids: But this, Sir, is an opinion which I can by no means give into, unless I was convinced, 1st, that her own countries would supply her with armies equally numerous and well disciplined with those we have already assembled for her service; 2nd, that we should not be more drained of our specie, by the large remittances which we should, in that method of assistance, be obliged to make, than we are by the present;—and 3dly, that it is against the interest of this country when it is obliged to take a part in the affairs of the continent, to employ a reasonable proportion of our troops, the reputation of whose brave and intrepid behaviour is so well established, in the minds of our enemies as well as allies.

"But the consideration which principally influences me in this debate, and on which the fate of this question ought to depend, is the consequence of withdrawing our

formed an army in Flanders the summer before last, which had such an effect upon the counsels of France, as prevented their sending the necessary reinforcements to their armies in Germany, or any assistance to the Spaniards in Savoy, by which means

forces at so critical a juncture. Will it not be considered both at home and abroad, as abandoning the queen of Hungary, and giving up every thing, to the known justice and moderation of France? One may venture to say, Sir, that it will be a more unjustifiable measure than the desertion of the Grand Alliance in 1712: the queen then declared by the mouth of the bishop of Bristol, her plenipotentiary at Utrecht, that she looked upon herself as free from all engagements to her allies. If this question should not pass, we shall repeat the perfidy without giving the warning. I apprehend, Sir, farther, that such a step will prove as pernicious to ourselves in the end, as it will be dishonourable from the beginning. May not the queen of Hungary, irritated at our breach of faith towards her, strike up a separate peace, and to obtain better terms for herself in Germany, surrender her part of the barrier to France, or to a prince who may be a dependant on France? The chief value which the court of Vienna sets upon the Netherlands, arises from the connection they enable it to preserve with the maritime powers—when that connection is broke off abruptly, the House of Austria in the first warmth of their resentment may be willing to free themselves from the charge and hazard of defending their barrier, though a late repentance will infallibly attend it.

"We are likewise told, that we ought not to proceed further without the concurrence of the Dutch, but I would ask, Sir, whether that cautious republic will co-operate the sooner for our disarming? Nor should gentlemen who start this objection, forget that last summer the States overruled three of their provinces, in order to assist the queen of Hungary with an auxiliary corps of 20,000 men—one of those dissenting provinces (Groninguen) has lately acceded to the majority, which makes it highly probable, that if England does not abate of her vigour, Holland will encrease theirs;—France is now exerting herself to the utmost. It is absolutely necessary that our preparations should keep some pace with those of our enemies, and let the expence be what it will, our true

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the queen of Hungary became every where superior in Germany, and the king of Sardinia was enabled to repel all the attacks made upon him by the Spaniards in Piedmont. But as the French and Spaniards still persisted in their designs of stripping the queen of Hungary of a great part of her dominions, it became necessary to drive the French entirely out of Germany, in order to enable the queen of Hungary to march her armies to the Rhine, and to make an attack upon France itself,

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and lasting interest will be found to consist in supporting our allies in such a manner as may bring matters to a secure and general peace:—rather than by a patched one, lie exposed to a new war on the part of France, as often as that crown shall be seized with a spirit of acquisition: 'Mars gravior sub pace latet.' For these reasons, Sir, I give my hearty affirmative to this question."

List of Speakers.

For.	Against.
1. Mr. Winnington moved.	2. Mr. Waller.
3. Mr. Nugent.	4. Mr. Stanley.
5. Mr. Yorke.	6. Mr. Oswald.
9. Mr. Clive.	7. Mr. Sydenham.
11. Sir E. Thomas.	8. Ald. Heathcote.
13. Lord Perceval.	10. Sir F. Dashwood.
15. Dr. Coates.	12. Mr. Banks.
17. Solicitor General.	14. Ld. Hillsborough.
20. Mr. Pelham.	16. G. Grenville.
23. Mr. Pelham.	18. Mr. Bertie.
	19. Mr. Doddington.
	21. Mr. Waller.
	22. Mr. Cotton moved to leave the Chair.
Division.	24. Mr. Fazakerly.
Ayes....277.	25. Sir J. Philips seconded Cotton.
Noes....165.	

Mr. Pitt and Lyttleton's not speaking, proceeded from their having opposed at a meeting of their party the debating or dividing upon this question, which was carried against their opinion by lord Cobham's set. It is said the two former are united with lord Chesterfield,—the latter, besides his nephews the Grenvilles, is connected with Doddington and Waller. How the Tories are inclined I know not, but as speakers in the House they are very inconsiderable.

MINUTES of the principal SPEECHES, given me by C. Y. [The Hon. CHARLES YORKE, second son of Lord Chancellor HARDWICKE.]

G. Grenville was in hopes some gentleman in the administration, if any such there are in the House, would ere this have informed us of the object, does not mean that he desires general informations *ad captandum*, that your alliance with Prussia is certain, your alliance with Russia is certain,—not ever repeated fallacious assurances, but a clear account of what is aimed at. The parliament has been treated with indignity, and lights withheld without assigning a reason;—the Dutch, the Prussian papers have been refused, and the last without an excuse:—Considers what views we have had in our late measures,—to dismember the king of Prussia's dominions, that appears from letters on your table; France knows she can be felt in Westphalia: this turned her strength that way; this gave the alarm here; the queen of Hungary's affairs furnished a pretext: For what was the Spanish embarkation suffered from Barcelona, which has lighted up the flame in Italy, but for the sake of Hanover? For whatwere these forces asked last year but for the sake of Hanover? For what will they be again employed—for the sake of Hanover! But taking it as the gentlemen have stated it, that they mean in general, (for particulars they cannot descend to) the restoring the balance of power, and humbling France; specious words but airy purposes; or will you go on without the Dutch? and the Dutch will not proceed without an object;—the accession of the province of Groninguen is boasted. It is true, they have acceded to pay the quota of the subsidy given in money two years ago to the queen of Hungary;—a very important accession indeed to the matter before you! The Dutch came into the field just time enough to lead you by the hand out of Germany: now the French are withdrawn they will not think of acting again even with that parade and appearance of vigour.—Will enter into all the views that can be proposed, and shew them rash:—if he should be guilty of mistakes in explaining his thoughts upon them, thinks that military mistakes are too common in this age for him to be particularly ashamed of them: three places of operation; 1. in Germany; 2. in Italy; 3. in Flanders. As to the first, wishes nothing worse for the French than that they may return there: They have lost 100,000 men there, in the West Indies and Germany taken together: you have lost almost as many, but France can support it

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which appeared to be the only effectual method for compelling that nation to give over their ambitious designs, and submit to such terms of peace as might restore and secure the balance of power. For this purpose, our army marched the beginning of last campaign to Germany, where they added to the laurels of their country by the glorious victory at Dettingen, whereby they compelled the French to evacuate Germany, and the emperor to agree to a suspension of arms with the

better than you can: If you act in Germany they will lie behind your frontier to face and awe you. What can be done on that side?—For the 2nd, by sea you may take Naples and Sicily, but by a land force cannot operate: for the 3rd, it must be either a mere state of inaction, or an attempt on the French barrier. The first is inglorious, will have no effect on the councils of France, not a man the fewer will be sent into Italy; the 2nd absurd and unattainable. Hopes he shall not be told this is turning the House into a council of war; yet let it be said those who make the expence, ought to judge of the design: as the great council of the nation, we are to determine the views and objects of the nation:—so far we are a council of war, and perhaps it is the only one in which the voice of a British general will be heard, or his councils regarded. If these measures are weak, then it must be taken, that France and England are making war on the finances of each other: they can support an equal army at half the expence that you can, and their revenues are twice as large: what must be the issue of the contest? Has heard the most inconsistent reasonings about France:—One while she is so powerful she must not be attacked, or even alarmed; another while she is so weak, she may be baffled, or even humbled. Turn this scheme in any form, it is wilder than a drunken man's dream: Dulcinea could not be disenchanted unless Sancho receives 100 lashes; Sancho said very sensibly, she might continue a country maid all her life, before he would submit to it. The mention of Don Quixote reminds him, that the two leading maxims of that book seem to have governed of late*; one that a man ought to expose himself to danger, despising rational precautions: the other, that advantages are not to be pursued against the beaten. Alexander carried Homer with him into the field: One would think that some modern heroes had provided themselves with Quixote in the same manner. Power, the only object of this war; if a minister desirous to enslave his country would form a project for the purpose, he could propose none better to himself, than to advise his master by exhausting his people in quarrels on the continent, to turn their attention from domestic to foreign considerations: by this means wearied and impoverished, we may become the province of a province, and an easy prey to arbitrary designs.

Solicitor General. Has heard little against the question but general arguments; takes it to be the defect of the subject, because the hon. gentleman, who speaks with great accuracy and precision, resorted to them. Cannot compliment any minister or set of men with the credit of these measures, but the king and the nation.—Reasons from prudence: France is making her last efforts to maintain large armies; to assist Spain in Italy, to act against the queen of Hungary in Germany: She sees the country of the elector of Bavaria wrested from him; can she be easy and not penetrated with shame under that consideration? Are not the Netherlands a perpetual object of her inclinations and her envy; if you disarm, can Holland alone defend them? She must divide and weaken them. The queen of Hungary will lose Luxemberg, and France resume the train of successes she enjoyed at the end of the last century.—Reasons from principles of honor. We must not depart from our engagements: it will be to use the House of Austria as France did, in violating the Pragmatic Sanction, and entering into this war. Reasons from views attained: Saxony has renounced its pretensions, Prussia is detached, Sardinia gained. As to conquest, France is just where she was, before she set out; has she not retreated like flight? been defeated as her injustice deserved, which was so apparent that the first prince of the blood left the council board, after having declared his sentiments against it, and that the curse of God would follow on so perfidious an undertaking. As to revenue much exhausted, anticipations on the farmers of the revenue is the usual way of providing for emergencies, which conceals the distress of the government, but the distress for money is such, that an ex-

* Vide Lord Carteret's Speech against the Motion to dismiss the Hanover Troops.

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queen of Hungary. This opened a free passage for her armies to the Rhine; and if prince Charles could have passed that river, a glorious end might, very probably, have been put to the war before the close of last campaign; but the French had so fortified, and guarded so watchfully the banks of that river, that he could not force a passage, which prevented last campaign's having so happy an issue as might have been expected from so successful a beginning.

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cise is now laid on the meanest necessaries of life: has read the edicts registered in the parliament of Paris; the king has been pleased in December last on their remonstrances to take it off as to peas and beans, and one thing more in the same frequent use with the common people, and that is all the mitigation. This has discovered their weakness to the whole world. As to men, they have lost 130 or 40 thousand, and though they wish for peace, they are determined to make one struggle more, and for that purpose are arming with the utmost vigour. Shall we then throw up all we have gained by disarming? 'Oremus 'pacem, et dextras tendamus inermes?'—Reasons from views attainable.—If the French re-enter Germany, will you not drive them out again? If they look towards the Netherlands, will you consider it as useless to observe or control them? Which way soever you turn the force of your arms, the favourite and important point of assisting in Italy must be defeated or obstructed; land war is sometimes necessary, never eligible; naval force may assist the operations, but cannot attain the effect of it. In the Mediterranean it may and does assist very materially; the Dutch will probably persevere, if you do not dishearten them. The accession of Groninguen is to the payment of its quota for last year's service; an accession that bespeaks approbation of the measure. The coming in of the Dutch at the end of the campaign more provoked and irritated France, than if they had done it earlier. They might have said, the French have left Germany, the object is changed, we will withdraw. Notwithstanding this, they advanced, committed an hostility, and even foraged in villages near Landau * upon French ground. "But," it is said, "we should assist with money and not men." 1st, Will the queen of Hungary's country at this time furnish her with troops, as well trained and disciplined as those we employ for her service? 2nd, The remittances of our specie will be much increased. 3rd, It is inconsistent with our safety or our honor to fight our battles with mercenaries. The king of France, after the battle of Dettingen, commended the English bravery: the marshal who commanded against them, said that a 30 years' peace had not untaught them the art of war. Queen Elizabeth assisted the Dutch and Henry the 4th with men as well as money. It will not be œconomy to disarm, if France may be able to run the same career it did a few years since. It is a maxim in public as well as private conduct, 'Pecuniam neg-'ligere in loco.' You must give up a part to save the whole. Sometimes the whole must be risked for the whole. Reducing the army so low after the peace of Ryswick cost us the treaty of Partition: It cost us the blood and treasure which we expended in the last war. If you disarm, France may overrun all Europe; is this wise? If you disarm, you give up your engagements; is this either honest or wise? When you lose credit with your friends, you must be exposed to the resentment of your enemies.

Mr. *Doddington.* We have been all along afraid of acting against France, though we talked boldly at home upon that subject. In the last campaign our army passed through neutral and adverse countries, was treated now here as a friend, was obliged to fight, did not believe the intelligence, scarce the evidence of sight, that the French were coming. A person of great distinction at Paris has declared in a letter, that the English army demolished that part of the lines upon the Queich, which lay towards the Palatinate; that towards Landau was left standing: one while we were told with great caution they were the aggressors; another while, when the goblet foamed,* it was said, "more iron would be brought into the field against France than ever had been known." The Dutch would never accede: might take the freedom to forage, being more in the friendship of France. Is for sending the queen of Hungary money, but only so much of what these troops will cost you,

* Brother J. told me, that those concerned in this hostility were tried and punished for it by a court martial.

* Alluding to an expression in the same noble lord's speech the first day of last session.

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This, Sir, makes it necessary for us to provide for another campaign; for unless the queen of Hungary be enabled to make a vigorous impression upon the dominions of France itself, we cannot expect that their court will ever agree to equitable terms; and therefore, his majesty thinks it necessary to have a greater number of his British forces in Flanders than he had last year, especially as he cannot depend upon having the Hessian troops continued in his pay or service. Next campaign we may expect, that prince Charles will be upon the Rhine with a numerous army, as soon as the season will permit; and it is hardly to be supposed, that the French will be able, during a whole campaign, to guard the banks of that river so closely, as to prevent his getting any one opportunity to pass over it with his army; especially if, by having a numerous army in Flanders, we prevent its being in the power of France to send any great number of their troops to the Rhine. The moment prince Charles passes that river, he will enter the territories of France, and, consequently, the French must either venture a battle with him, or leave some of their best provinces to be ravaged and reduced. If they venture a battle, I am pretty confident it will be a decisive one; and, I think, we have good ground to hope, that the fate of it will be favourable to us, if we consider, that the flower of the French army has been already cut off in Germany, and that their troops, even when composed of veterans, have never yet appeared to be equal, upon fair ground, to the troops of the queen of Hungary. When they get behind stone walls, and in places where they cannot run away without the leave of their officers, they may stand their ground firmly enough, because their officers are certainly men of courage and conduct, and the common men are alert enough at firing; but when they engage in an open field, where their enemies can come at them, and thereby put an end to their firing, it has generally been found, that the French common soldiers soon take to their heels, and leave their officers a prey to their enemies.

From these considerations, Sir, I think we have good ground to hope, that if the French venture a battle with prince Charles after he has passed the Rhine, it will be a decisive one in our favour; and if they do not venture a battle, Alsace, Lorrain, Franche Comté, and perhaps some of the interior provinces of France, will become a prey to the enemy. In either of these cases the French court will be compelled to submit to reasonable terms of peace, and Spain must immediately follow their example. Thus, if we continue to act with vigour, we have, I think, good reason to expect, that in one campaign we shall be able to restore and establish a balance of power in Europe; and to force Spain to agree to such terms of peace as may secure the freedom of our trade and navigation, by abolishing all the insolent claims they have lately set up against us. Whereas, if we should flag in our endeavours for

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as to furnish her with the like number, already too much drained of cash. The shower of Portugal gold is gone at once. Wishes France would attack the Netherlands; then there would be reason for this expence. If it be necessary to send your troops to learn the art of war, is not against sending 6 or 7,000 to prince Charles for that purpose; no object of war having been stated, except in general and unsatisfactory terms, no man seeming to understand what we are upon (for he must say, he never heard so many men of sense talking of they know not what). Concludes against the question.*

Mr. *Pelham*. Gentlemen complain the object is not pointed out, understands not their drift and meaning; thinks there are sufficient lights to govern their opinion; always had his doubts as to the success of these measures; still retains doubts, but this he knows to be certain, that ruin is inevitable if you reject the question. All Europe is in arms. The conduct of the Dutch is recommended to us;—do they disarm—do not they maintain the troops they had on foot last year? Gentlemen seem fond of citing French letters and declarations,—a very suspected source of intelligence. Speaks of the accounts that the Dutch have consented to the Bill of Extraordinaries, for maintaining the 20,000 till May next: this shews a fair disposition. They wait the issue of our councils. Is not every prince augmenting? Prussia, France, queen of Hungary, &c. support their armies either to watch events or to govern them. Turn the subject in each possible light, mean either peace or war, a resolution of the House of Commons to disarm will be the ruin of both.

* Doddington mentioned the declaration of the French minister at Frankfort, as a proof, that they would not enter Germany any more as the emperor's auxiliaries.

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supporting the common cause, or put a stop to those vigorous measures that have already given such a happy turn to the affairs of Europe; the French would resume their former ambitious projects; the queen of Hungary, deserted by us as well as by the rest of her allies, would find herself at last obliged to submit, and the balance of power would be irrecoverably lost; after which we could not hope to be able to force Spain to give up any of those unjust and insolent claims lately set up against us; but, on the contrary, we should soon be forced to submit to every one of them, and, perhaps, to much more unjust and more insolent claims that might be trumped up against us by France, as well as by Spain.

I confess, Sir, that the measures his majesty is now obliged to pursue are vastly expensive to us; and I likewise confess, that the nation is not at present in so good a condition as I could wish, for supporting this vast expence; but considering what we have to hope, and what we have to fear, every gentleman must, I think, allow, that the expence is absolutely necessary; therefore I shall add no more, but conclude with moving, "That the sum of 634,344*l.* 11*s.* 4*d.* be granted to his majesty, for defraying the charge of 21,358 effective men, (commission and non-commission officers included) to be employed in Flanders for the year 1744."

Mr. *George Grenville:*

Sir; as it is not now the fashion to let the parliament know any thing of our public measures: as our measures, or at least the motives for them, are always of late too great a secret to be communicated to such a numerous body of men, I protest I know nothing of them; nor can I, from any public appearances, comprehend the meaning of them: no man can, who has not an intimate correspondence with some of our ministers of the closet; which, I thank God! I have not; and therefore, if I mistake or mis-state our late or present measures, I hope the gentlemen, who think themselves happy in having such a correspondence, will excuse me.

There are two points, Sir, which ought to be considered, and fully discussed, before we agree to the hon. gentleman's motion; and that is, the end of our giving assistance to the queen of Hungary, and the manner in which we are to give that assistance. If the French still insist upon taking a great part of the queen of Hungary's dominions in Germany from her, and giving them to the emperor, in order to induce him to agree to their taking Flanders, or something else to themselves, I think we ought to endeavour, *totis viribus*, to prevent such a scheme's taking effect; because I am, and always have been, of opinion, that the monarchy of France is already more powerful than is consistent with the safety of Europe: I thought so even before they made the acquisition of Lorrain, which they were permitted to do, by a most criminal connivance of our ministers, at a time when we had a better opportunity than, I am afraid, we shall ever have again, for reducing the power of the House of Bourbon. If this, therefore, were the end of our giving assistance to the queen of Hungary, I should approve of our giving her our utmost assistance; yet, even in this case, I should not agree to the hon. gentleman's motion, because I do not approve of the manner he proposes for giving her our assistance.

But, Sir, if the French have entirely departed from this scheme: if they departed from it as soon as they found themselves abandoned by Prussia and Saxony: If they were then willing, as I believe they were, to restore the peace of Germany, upon the single condition of the queen of Hungary's restoring to the emperor his hereditary dominions, I think, we ought not to have encouraged her, by our assistance, to have continued the war in Germany, and much less ought we to encourage her, which, I am afraid we do, to think of procuring, by our assistance, an equivalent from France, for what she has yielded to Prussia and Saxony in Germany. If this be the end of our assisting her, I disapprove of the end as much as I do of the manner; and I disapprove of it, not because I should not be glad to see the power of France reduced, but because I think the present a very improper time, either for the queen of Hungary or us to think of it. There is a certain spirit which prevails, and by which courts as well as private men are governed: this spirit a wise and considerate minister will always have great regard to, and will take his measures accordingly; for the world is not to be directed by every whim that may enter into the addle head of a bold and enterprising minister. The ambitious schemes of the late king of France had raised a spirit of jealousy against that monarchy, in almost every court of Europe, which produced several confederacies against it, and one at last which

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brought it to the brink of perdition. Since his death, the court of France, being made sensible by experience of the danger of raising such a spirit, have guarded against doing so as much as possible, so that there is now no such spirit in any court of Europe; but, on the contrary, there is a spirit of jealousy among all the princes of Germany against the power of the House of Austria; therefore no one court in Europe will join with us, and the queen of Hungary, in this project against France. Nay, I doubt much if the electorate of Hanover will join with us; for though we had some of the electoral troops, I mean electoral troops in electoral pay, last year with us upon the Rhine, I am convinced they did not come there with a design to attack France; nor shall we, I believe, be favoured with any more of them, if we but seem to have such a design: even those of them that are in our pay may refuse to obey the orders of our general, as they did last summer, should he command them upon any such service. I must therefore suppose, Sir, that in such a project we shall at present have no assistance from any one potentate in Europe; and were we quite free of debt, it would, in my opinion, be too grand for us and the queen of Hungary alone: in our present circumstances, I think, it is absolutely impracticable.

When I say so, Sir, I mean humanly speaking; for the race, I know, is not to the swift, nor the battle to the strong. Suppose then that Providence should work miracles in our favour, and give us unexpected success against France in the execution of this design: suppose their armies, like that of the Midianites, should set every man his sword against his fellow, and their walls, like those of Jericho, should fall down flat before us; yet can we suppose, that the princes of Germany, who are so jealous of the power of the House of Austria, especially such of them as have lately got hold of some part of the Austrian territories; I say, can we suppose, that those princes would sit still and see the power of the House of Austria vastly increased, and the monarchy of France very much reduced, when it is so evident, that the preservation of the possessions they have so lately acquired, and, perhaps, their future independency, must depend chiefly upon the friendship and assistance of France? It is, I think, almost certain, that in case of our success, they would all unite together for putting a stop to it; and considering how jealous Hanover has been for many years of the House of Austria, I doubt much if that electorate would refuse to join in such a confederacy: I am convinced it would not join with us; and though it did not join openly against us, it might find ways and means to disconcert all our measures, in order to prevent the accomplishment of the end we propose.

Thus, Sir, if the procuring the queen of Hungary an equivalent from France be the end or design of our maintaining an army in Flanders, it is so evidently impracticable, that I am convinced, it cannot be the true end: it must be a pretence made use of for covering some hidden design, which our ministers dare not own, and which would certainly cost some of them their heads, if it should be proved upon them. I mean that of lavishing the blood and treasure of England, for the sake of getting an opportunity to maintain 16,000 Hanoverians, or for the sake of getting some little territories added to the dominions of that electorate. And if the end be to defeat the French in their scheme of taking a great part of the queen of Hungary's dominions from her, and giving them to the emperor, that he may consent to some additions being made to their monarchy, we ought to be well convinced, that there is still some such scheme in *petto*, before we agree to load our country with so great an expence; because from the public accounts we have great reason to believe, that, if ever the French had such a scheme, they have now given it up; and because we have no reason to believe, that the French would embark in a scheme which must be attended with great danger, difficulty and expence to them, when unassisted by any of the princes of Germany. The only hopes they can now have of being able to execute such a scheme, must arise from our encouraging the queen of Hungary to be immoderate in her demands, which may raise the jealousy of the German princes to such a height, as may force them to join again in an alliance with France, for reducing her power, and putting an end to her ambitious views.

In all I have yet said, Sir, I have not mentioned Italy, because, I believe, no one is so wrong-headed as to suppose, that in order to assist the queen of Hungary, to preserve her dominions in Italy, the best method is to form an army in Flanders, or to attempt to make an impression upon France on that side, where, every

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one knows, that monarchy is the best guarded, and the least susceptible of an impression; therefore, no one surely will pretend, that this is the end of our forming or maintaining an army in Flanders.

I shall now, Sir, consider the manner in which we ought to assist the queen of Hungary; and let the end be what it will, I am very sure the manner proposed is in every respect wrong. I must lay it down, and I shall always consider it, as a certain maxim, that we ought never to think of assisting any of our allies upon the continent with a great number of troops. If we send any of our troops to their assistance, it ought always to be, rather with a view to give our gentlemen an opportunity to improve themselves in the military art, than with a view to assist our allies. They have no occasion for our men, and the queen of Hungary less than any other: she has men, and brave men too, in abundance: she only wants money to arm and support them. Therefore, the only manner in which we ought to think of supporting her, or any other of our allies upon the continent, is with our money and our navy; and my reason for laying this down as a maxim is, not only because the sea is our natural element, but because it is dangerous to our liberties, as well as destructive to our trade, to encourage great numbers of our people to make the soldier-craft their trade, so as to depend upon that alone for their livelihood. A farmer, a day-labourer, a cobler, may be a good soldier, if you take care to have him properly disciplined, and always will be ready to defend his country in case of an attack; but as he has another way of living, he may be a good subject, whereas a man who has no other way of living, can never be a good subject, especially in a free country; and for this reason we ought to have as few of them as possible, either abroad or at home: at least, they ought never to be kept long in the service; for after a long disuse, there are very few of them can, afterwards, turn to any industrious employment for their support.

Another reason is, Sir, because custom has made our troops more expensive than those of any other country: and therefore our money will always be of great service to our allies, because it will enable them to raise and maintain a greater number of troops than we can furnish them with for the same sum of money. This, Sir, I shall prove by figures, which are such strange obstinate things, that they will not twist and wind at the pleasure of a minister, or any of his orators. By the motion now made to us, our own troops in Flanders are to cost us for this next year, 634,344*l.* and, I suppose, the 16,000 Hanoverians will cost us near 400,000*l.* for care has been taken not to lay that estimate too early before us, lest some unlucky person should have time to pick a hole in it. To these two sums I shall add 200,000*l.* for waggon-money, dry and green forage, douceurs, and the like: for I believe we shall find that this article for last year amounts to a much larger sum. These three articles make 1,234,344*l.* I shall call it the even sum of 1,200,000*l.* which we must pay next year, for maintaining an army of 37,000 men, one third part of which I shall suppose to be horse or dragoons. Now, if we had sent this sum to the queen of Hungary, let us see what an additional number of men she might have maintained with it. By several treaties, and particularly by the accession of the States-General to the Vienna treaty of 1731, the charge of 1,000 foot is fixed at 10,000 guilders per month; which, in sterling money, at the rate of 10 guilders 16 stivers per pound sterling, is 926*l.* and the charge of 1,000 horse is fixed at 30,000 guilders for the same time, which is 2,778*l.* so that 1,200,000*l.* would have maintained near 108,000 foot for the queen of Hungary, or near 36,000 horse; or it would have maintained an army for her of 54,000 foot, and 18,000 horse for the ensuing year; and I must ask even our ministers, if they do not think, that an additional army of 72,000 men, to be employed wherever she pleased, would have been of more service to her and the common cause, as they are pleased to call it, than our 37,000 in Flanders can be of? For though I will not allow that any of her troops are better than the British, yet I may take upon me to say, that the worst of her troops are better than the Hanoverians were ever yet supposed to be.

But now, Sir, suppose we could think it of advantage to the common cause to assist the queen of Hungary with troops instead of money, the very worst place we could think of sending these troops to, or employing them in, is Flanders. If we had formed no army there, the French could have formed no army there, nor would they have attacked any place there, for fear of provoking the Dutch to declare against them. Whereas, if we form an army next summer in Flanders, though we

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do not begin to act offensively with that army, as I firmly believe we do not intend to do, it may furnish the French with an excuse for attacking the queen of Hungary in that country, and that excuse may even be admitted by the Dutch, who seem at present to have no sort of jealousy of France; and for that, as well as several other reasons, they seem resolved not to enter into any of our romantic schemes. If we must assist the queen of Hungary with troops, why did not they stay and take winter quarters in Germany, or upon the Rhine, by which we might have secured a passage for prince Charles in the spring? If it be alleged, that the princes and circles of the empire would not admit of our troops taking winter quarters within the empire, this of itself alone was a good reason for our calling home our troops, dismissing our mercenaries, and resolving to assist the queen of Hungary for the future, as we ought to have done from the beginning, solely with our money, and our squadron in the Mediterranean.

In short, Sir, as I could at first see no reason for our sending our troops to Flanders, unless it was to furnish our ministers with a pretence for loading us with the maintenance of 16,000 Hanoverians, I can now see no reason for our keeping them there, unless it be to furnish a pretence for continuing that load upon us; and as I think our keeping them there may be attended with infinite danger to the cause of the queen of Hungary, I cannot, therefore, agree to the hon. gentleman's motion.

The Hon. *William Murray:*

Sir; as the post in which I have the honour to serve his majesty [Solicitor General] has no concern with foreign affairs, and as I am not so unreasonable as to expect, much less desire, that ministers should communicate to me those secrets which the duty of their office requires them to conceal, I can know nothing of our public measures, with regard to foreign affairs, but what is, or may be known to every gentleman in this House. I, indeed, know nothing of those measures but what I have learned from public gazettes, or from papers already laid before us; and yet, I think, I know enough for warranting my giving my consent to this motion. The support of the House of Austria, and the increasing, or at least preserving as entire as possible the power of that House, is a maxim that has been long held sacred by all those potentates that are, or may be in danger from the over-grown power of the House of Bourbon; and experience has shewn it to be a right maxim. Can it be said, that the power of the House of Bourbon has been lately diminished, and that therefore we need not now be so anxious about preserving the power of the House of Austria? On the contrary, we must know, without being let into any of the secrets of the cabinet, that the power of the former has been but very lately increased, and that of the latter diminished; and we must likewise know, that had it not been for the seasonable interposition of this nation, the power of the House of Austria would before this time have been utterly abolished, and that of the House of Bourbon raised above controul: we must therefore either depart from the most sacred maxim of our ancestors, or we must continue that interposition, till the House of Austria be secured against the fears of a farther diminution, and the House of Bourbon deprived of the hopes of any farther increase. This, Sir, I take to be the end of our present measures, with regard to foreign affairs: this we may discover without any extraordinary knowledge, and this is what I most heartily approve of.

I believe, Sir, there is no gentleman in this House who will say, that we ought not to endeavour to obtain this end, if possible; but it is said, that we might have obtained this end, before we sent any of our troops abroad. Both the emperor and the French, they say, would have agreed to restore the tranquillity of Germany, as soon as they found themselves abandoned by Prussia and Saxony, upon the single condition of the emperor's being restored to his hereditary dominions. This some gentlemen are pleased to assert very positively, but hitherto without shewing the least foundation for what they assert. Even our public gazettes have never yet furnished us with any ground for such an assertion. They have, indeed, told us, that after the French troops were inclosed in Prague, and the queen of Hungary every where victorious in Germany; and after the French began to dread an attack upon their own frontier by the landing of our troops in Flanders, they then thought fit to offer terms to that princess: but if common news-papers must be taken for authority as to this fact, I hope they will likewise be taken for authority as to the terms that were offered; and if our common news-papers are to be believed, the terms offered were such as she could not

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accept of: for she was not only to restore the emperor to his hereditary dominions, but to put him in possession of all those fortresses that were the keys of her own, by which it was evident, that the emperor and France wanted only a little time, and an opportunity to get out of the perplexity their affairs were then involved in, in order to attack her with the greater facility, as soon as they had recovered; and in the mean time she was to remain involved in a war with the Spaniards and French in Italy, with a design certainly, that she might be obliged to send all her forces into that country, and leave her German dominions exposed to an attack from the emperor, as soon as he should find himself in a condition to begin it.

But suppose it to be true, Sir, that the French at that time desired no other condition for restoring the tranquillity of Germany, than that of restoring the emperor to his hereditary dominions; and that they had really no design to renew the war in Germany with the first opportunity; yet even in this case, we were in the right to advise the queen of Hungary not to accept of the terms offered. Let us consider, Sir, that the assistance we now give to the queen of Hungary is not merely on her own account, nor on account of preserving the balance of power: it is on our own particular account as much as any other. From what passed between the French and us, with regard to Spain, before the late emperor's death, every gentleman must know, that had it not been for that accident, we should certainly have been involved in a war with France as well as Spain; and however much superior our naval power may at present be to the naval power of both these nations, yet if neither of them had any thing to fear by land: if both could, without interruption from any of their neighbours upon the continent, convert their vast revenues and numerous armies towards increasing their naval power, it is much to be feared, that in a few years it would become superior to ours. The only way by which we can prevent this, is to keep them always involved, or in danger of being involved in a land war: and therefore we were, and will be in the right to keep France and Spain involved in a war with the queen of Hungary, till we can compel the Spanish court to give up the insolent claims they have of late years set up against us, and to agree to such terms as may secure the freedom of our trade and navigation for the future; one of which must be a satisfaction for the many depredations committed by them upon our merchants, under colour of searching and seizing their ships on account of contraband goods.

When we reflect upon this, Sir, let us consider what a dangerous situation we should have been in, had the queen of Hungary made peace with France and Spain without stipulating any thing in our favour, especially if she had been compelled to do so, by our refusing to give her any farther assistance. The war would have continued between Spain and us, and France would certainly have declared openly against us, as soon as she had repaired and sufficiently increased her navy. Both nations would then have been without fear of any attack upon the continent, and therefore would have applied themselves solely to the increasing of their naval power. From this we had the most fatal consequences to apprehend; for as it would have been absolutely necessary for us to divide our naval force, in order to protect our possessions in America and the Mediterranean, as well as to guard against an invasion at home, it would have been very difficult, if not impossible, for us to prevent our being overpowered somewhere or other; and one single misfortune of this kind might have rendered our enemies masters at sea; which would have obliged us to submit to any terms they pleased to impose.

Thus, Sir, it is manifest, that, if the terms offered by the emperor and France had been really such as have been represented, it would have been against our interest, and inconsistent with our safety, to have compelled the queen of Hungary to accept of them; and the general interest of Europe, as well as the justice of her cause, would even in this case have been an additional argument for our advising and enabling her to reject the terms offered; for however much the project of an equivalent may be ridiculed by some gentlemen, to me it appears neither impossible nor impracticable; and as France has been the chief author of all the troubles, misfortunes and losses she has met with, there is nothing more just than that France should be made to give an equivalent for what she has been obliged to yield to Prussia, Saxony, and Sardinia. She has certainly a most equitable claim for such an equivalent, from some of the branches of the House of Bourbon; and,

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I believe, it will be granted, that the obtaining of such an equivalent would be the best method for restoring and establishing a balance of power in Europe. That balance must still depend upon a confederacy; but the House of Austria must still be, as it has been, a principal member of that confederacy; for without the House of Austria, I believe, it would be almost impossible to form such a confederacy. Therefore, not only our own interest, but also the interest of Europe, and the justice of the queen of Hungary's cause, oblige us to assist her in obtaining such an equivalent; and from my present view of things, I cannot think it appears to be impossible. We have already restored the tranquillity of Germany without coming to any terms with France: we have already reduced that nation to the necessity of thinking only of the defence of their own frontier; and, in the present state they are in, it is probable they will not long be able to make that defence good. They have been impoverished by an expensive and unsuccessful war; their people are groaning under most grievous and heavy taxes, so that they have not now so much as one necessary of life remaining untaxed: in such circumstances can we suppose, that they will be long able to keep such numerous armies upon their frontiers, as the queen of Hungary will, with our assistance be enabled to bring against them? And as they have already lost most of their veteran soldiers, one single defeat would deprive them of all power of resistance, which would enable her to take, and oblige them to leave her in possession of whatever equivalent we might think proper.

I hope, Sir, I have fully justified the end we propose in assisting the queen of Hungary: I hope, I have shewn, that it is not only just, but necessary, for us to give that princess our utmost assistance, even in obtaining from the House of Bourbon an equivalent for the losses and misfortunes that have been brought upon her chiefly by their means. And now with regard to the manner in which we ought to assist her: it is certain we must, and ought to assist her with our money and our navy; but this is not all: in my opinion, we must likewise assist her with our troops; because it will be a convincing proof, that we are in earnest, and fully resolved to assist her to the utmost of our power. The resolutions of princes and states are generally more governed by their hopes and fears than by their reason; and our appearing so heartily in favour of that princess, as to assist her with our troops as well as our money and navy, will raise the hopes of those who incline to be her friends, and increase the fears of those who incline to be her enemies. This may induce some of the potentates of Europe to declare openly in her favour, who would otherwise remain neutral; and it may oblige some to remain neutral, who would otherwise declare openly against her. The argument that has been made use of in this debate, for shewing the impossibility of procuring an equivalent for the queen of Hungary, is a strong argument for our assisting her with troops as well as money. To shew this impossibility it has been said, that most of the princes of Germany are now jealous of the power of the House of Austria, and will join with France against us, rather than see the power of that House increased by any new conquests made upon France. For my own part, I believe that those princes of Germany that seem inclined to appear against the queen of Hungary, are more governed by avarice than jealousy; but if they really have any such jealousy, it is a most unreasonable one, and if it cannot be removed, it must be bridled, which we can do no other way but by convincing them, that we are resolved to support the House of Austria to the utmost of our power; and for this purpose we must make use of our troops as well as our money and ships of war. This will make it appear dangerous for them to join openly with France against us, by which means we shall make their fear a curb for their jealousy, and by the same means we may remove the apprehensions of those who now incline to be our friends; and their declaring openly in our favour will increase the fears of those whose jealousy might otherwise induce them to declare openly against us.

Thus, Sir, our assisting the queen of Hungary with troops, as well as money and ships of war, must contribute greatly towards attaining that end, which I have shewn to be just, and even necessary for this nation in its present circumstances; and the only plausible objection I have heard against it, is founded upon a supposition which I cannot admit. It has been said, Sir, that the queen of Hungary had men enough, and wants nothing but money to arm and support them; and that therefore we ought to supply her with money instead of troops, because what we pay for maintaining our troops abroad,

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would maintain a much greater number of troops raised in her own dominions. I shall grant, Sir, that the bravery and fidelity of her subjects have furnished her with a much greater number of troops than could have been expected; but no man who knows any thing of geography can I think, suppose, that she has as many men in her dominions as there are in the two large kingdoms of France and Spain; for every one knows, they are neither so extensive nor so populous, consequently she must at last want men as well as money; and though our troops are a little more expensive than hers, yet the difference is not so great as has been represented; for though by treaties the expence of 1,000 foot has been computed and settled at the rate of 10,000 florins per month, we cannot suppose that 1,000 men, even of the queen of Hungary's troops, could be maintained for that sum, without any additional expence, either for cloathing, waggon-money, or any other incidental charge; therefore she could not maintain any great number of her troops more than we could maintain of ours for the same sum; and if her dominions cannot furnish men enough for supporting a war against the numerous armies of France and Spain, we must assist her with troops as well as money, let the difference in the expence be what it will.

The necessity of the thing, Sir, will likewise be an answer to the other objection, I have heard made against our furnishing the queen of Hungary with any of our troops, I mean that of its being dangerous to our constitution, by obliging us to have a great number of our people bred up to depend upon the soldier trade alone for a livelihood; for supposing that there were any real danger in this, when it becomes necessary for our preservation, it is an evil that, like many others, must be submitted to. But I must think the danger rather imaginary than real: the trade of a common soldier is not so desirable or profitable a trade as to make men chuse to depend on it solely for their subsistence: there are very few that take it up by choice; and most men are glad to quit it, as soon as they can get leave to do so. We may therefore most reasonably suppose, that the much greatest part of the men we send abroad, would be glad to return to their former employments at the end of the war; and such as did not chuse to do so, might be disposed of among those corps that we are obliged to keep in pay for our defence and security, even in time of peace. For this reason, I shall always think it will be an advantage to us, and even a security to our constitution, to send a number of our own troops abroad, as often as we have occasion to employ any troops upon the continent for the assistance of our allies; because, by this means we shall always have among us a great number of men, who are not only masters of military discipline, but have been actually engaged in action, and consequently may be called veteran, as well as well-disciplined solders, which can never be the case of our militia, let them be never so well disciplined: at least I hope so, because it can never be the case, except when we are, or have lately been engaged in a civil war amongst ourselves. And an ambitious government, even with an army at its command, can never destroy our constitution, as long as we have among our people a great number of veteran, as well as well-disciplined soldiers; for this I take to be a better security for the liberties of the people, than any regulations that were ever invented by any human sagacity, because we never heard of a people's being enslaved, as long as they had arms in their hands, and courage and skill enough to make the proper use of them.

I shall, lastly, consider the place where our troops ought to be employed; and this Sir, I must observe, is not to be decided by the present question, nor can it be decided by any question in this House, or at this time. It is a question that must be left entirely to the decision of our generals in conjunction with those of our allies; and even by them it cannot be decided till the time of action draws near. As for winter quarters, Flanders was certainly the best place, and, indeed, the only place where our troops could safely take up their winter quarters, unless they had marched with the Austrian troops quite away to Bavaria or Bohemia. Their not taking up their winter quarters upon this side of the Rhine, was not owing, I believe, to any objections being made to it by the princes or circles of the empire, but to their not having any fortified towns there for securing them in their quarters. They must have been continually exposed to the inroads of the enemies hussars and partisans, and, therefore, it was necessary for them to return to Flanders, or to march as far as Bavaria; the latter of which would have been extremely inconvenient, because we could not, with safety, have

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sent them any recruits or reinforcement; and as the French would, in the winter time, have taken possession of all that part of Germany on this side the Rhine, our troops, as well as the queen of Hungary's, would have been subjected to the difficulty of passing that river in the face of a French army, before they could open the campaign, or undertake any thing against the common enemy.

Whether our troops are to be employed next campaign in Flanders, or whether they ought to be employed there, are questions which I shall not pretend to answer; but this I will say, Sir, that Flanders is certainly the most convenient place, with respect to us, for attacking the frontiers of France; and if the Dutch join either as principals or auxiliaries, it will be absolutely necessary to have a considerable army in Flanders; nay, I believe, they will take care not to join in any shape, if they are not previously assured of having an army formed there, sufficient to protect their barrier against the most powerful army France can send against it. But as this is not the question now properly before us, I shall enlarge no further upon the subject. The real, and indeed the sole question now before us, is, Whether we ought to give the queen of Hungary any assistance; for if we had to give her any, we certainly ought to give her the most effectual assistance we can; which we cannot do, unless we assist her with our troops as well as our money and navy? This, I say, is the sole question now under our consideration; and as this is a question which, in my opinion, can admit of no dispute, I shall therefore most heartily agree with the hon. gentleman in his motion.

Mr. *Norreys Bertie:*

Sir; though I have not long had the honour to sit in this House, yet, as I dissent from the hon. gentleman who spoke last, I shall most humbly beg leave to speak my sentiments, and hope it will not be thought presumption in me.

The hon. gentleman was pleased to say, 'That the French were much impoverished, and not able to support the expence of a long war;' and assigned as a reason for it, 'that the subjects of France groaned under most grievous and heavy taxes, insomuch that there was not one necessary of life left untaxed.' The poverty of our neighbours adds but little to our riches; and though comparisons are at all times odious, yet, I am afraid, if the riches of a nation depend on its subjects being but lightly taxed, that we ourselves are, in that respect, very near in the same situation with our neighbours the French.

Another hon. gentleman has also informed us, that our woollen trade is of late much increased: if so, as most of our regiments have been supplied with recruits from those towns in the West, where that manufacture chiefly flourishes, I think there can be no better time to disband part of the army, because there may now be a want of hands in that manufacture. This I mention, because he said very emphatically, What will the men do, if we disband them? An argument that may be made use of, even in times of the most profound peace; and likewise, because it is well known, that her majesty of Hungary wants not men but money, and that half the money those troops cost us, would be of more service to her. I think it will be better to send her money, as it will save the lives of many of our able bodied artizans and laborious poor, by the numbers of which the riches of every nation must be estimated, and, consequently, we ought to esteem their lives invaluable, and not squander away their blood in a war on the continent, which can be of no service to Great Britain. These, and many other reasons, which I have heard from gentlemen of more experience and greater abilities than myself, induce me to give my negative to the question.

Mr. *Henry Pelham:*

Sir; when I call to remembrance the reproaches that have been, and are still daily thrown out against our ministers, for not assisting the late emperor in the year 1734, when he was attacked by France, Spain, and Sardinia; and when I reflect on the ardour that was shewn by all ranks and degrees of men in this nation for assisting the queen of Hungary, when she was attacked by the king of Prussia, single and alone, I cannot but be surprised at the opposition that is now made to every step taken by our government for assisting that magnanimous and much-injured princess. Considering the solemn treaties now subsisting between us and the House of Austria, and considering how much our honour is engaged not to allow the court of Spain to make any conquests in Italy, while they are at open war with us, I believe, no gentleman will say, and, I think, it has not been as yet directly affirmed, that we ought not to give her any assist-

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ance. If then we are to give her assistance, must we not give her, if we can, such assistance as will be effectual; and ought we not to give it in that manner which will be most effectual? For my own part, rather than not give her such an assistance as will be effectual for the ends proposed, I should be for giving her no assistance at all; because, by giving her an ineffectual assistance, we shall do her no service, we shall only increase her misfortunes, and besides a certain and heavy expence, we may bring great misfortunes upon ourselves, by rousing the resentment of the conquerors, and bringing their united force against this nation alone, after the queen of Hungary has been, by our ill-timed œconomy, obliged to submit to the terms they prescribe.

I must, therefore, be of opinion, Sir, that we are bound in honour, as well as interest, to give the queen of Hungary not only our assistance, but all the assistance we are able, and in that manner which will be most effectual for procuring her a safe and solid peace, without any further diminution of her dominions, but rather with an increase, if success should give us any reasonable hopes of being able to accomplish it. If this be what we are bound to do then, I think it is evident, that we ought to assist her both with troops and money: for that both troops and money will be more effectual than money alone, we have not only the reason of the thing, but the experience of past time to convince us. Queen Elizabeth, it seems, never thought that money would do as well as troops; for when she undertook the support of the United Provinces, she assisted them with men as well as money; and the assistance she gave to Henry 4, and the Protestants of France, consisted chiefly in troops, though both the United Provinces and the king of France might have had men enough from Germany; and, consequently, if money had been then thought as good as troops, she had no occasion to send any troops to the assistance of either: but that wise queen thought otherwise, and therefore she seemed always more forward to assist her allies with troops than with money. I need not mention particularly any more instances of this kind, for it is well known, that in all the foreign broils we were ever concerned in, we sent troops to the assistance of our allies; and those troops always gained honour to their country by their conduct and bravery; which I mention not merely out of vanity or ostentation, but to shew, that a body of English troops will always be of more service to any of our allies, by the confidence it gives to their armies, and the terror it spreads amongst their enemies, than if we were to send them double the sum we pay for the subsistence of those troops. I repeat it, Sir, because I think it of great weight in this debate: the troops we have from time to time sent abroad, have always gained such a reputation, as gives confidence to their friends and dismay to their enemies: they have hitherto preserved this reputation: I hope they will always preserve it; and this will always make a body of English troops of greater service to the cause we are engaged in, than if we were to send money sufficient for subsisting double their number.

From hence, Sir, I must conclude, that if we are to assist the queen of Hungary as far, and in the best manner we are able, we must assist her with troops as well as money; and as our having an army upon the continent, may prevail upon some of the powers of Europe to declare in her favour, and may prevent others from declaring against her, I must approve of what my hon. friend has been pleased to propose, and, I hope, it will meet with the approbation of a great majority of this House.

Mr. *Edmund Waller:*

Sir; if experience had not taught me to be surprised at nothing that happens in this House, I should have been very much surprised at hearing it asserted in this debate, that an opposition has been made to every step taken by our government for supporting the queen of Hungary. Has there an opposition been made to any one step taken by our government for that purpose, except the single one of sending our troops abroad, in order to form an army in Flanders? And was not the reason given for that opposition, because an army formed there, without the concurrence of the Dutch, could be of no service to the queen of Hungary, nor could be designed for any thing else, but to amuse the unthinking part of this nation, in order to draw them in to the maintaining of 16,000 Hanoverians? Have not all the subsidies proposed for the queen of Hungary been almost unanimously agreed to? Has any one found fault with the service our squadron in the Mediterranean has rendered to her, or to her ally the

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king of Sardinia? Has not every impartial man, both within doors and without, exclaimed vehemently against our suffering the Spaniards to transport an army for invading her dominions in Italy? After all this, it is really astonishing to hear it asserted in the face of such an august assembly, that our government has been opposed in every step they have taken for the support of the queen of Hungary.

On the contrary, Sir, all the opposition our ministers have met with for above these twenty years, with regard to foreign affairs, has been occasioned by the steps they have taken for destroying or weakening the House of Austria, and exalting that of Bourbon; for this seems to have been their design ever since the year 1720, when the late emperor first began to obstruct the views of the court of Hanover upon the duchy of Mecklembourg. This dispute betwen the courts of Vienna and Hanover soon produced a very remarkable effect upon the councils of Great Britain, by making them so fond of concluding a separate peace with Spain, that they sacrificed all the demands of their country upon that crown, and most dishonourably gave it a foundation for insisting, not only upon the restitution of Gibraltar, but upon having satisfaction for the Spanish ships we destroyed in 1718. These were the fruits of our negociation and treaty with Spain in 1721, by which we left the House of Austria to make up their differences with Spain in the best manner they could; and this was the first piece of resentment shewn by the court of Hanover against the late emperor, for traversing their views upon the duchy of Mecklembourg. The second was, the treaty of Hanover in the year 1725, by which we joined in an alliance with France against the emperor and Spain. The third was the treaty of Seville, by which we joined in an alliance with France and Spain, for compelling the emperor to admit of Spanish troops into Italy. And the fourth was, our deserting him in the year 1734, by which Naples and Sicily, and likewise I may say Lorrain, were taken from the House of Austria, and given to the House of Bourbon.

These, Sir, were the steps taken by our ministers during the late emperor's life time: these are the steps that have been opposed or complained of; and I wonder to hear any gentleman, who approved, and, perhaps, forwarded these steps: I say, I wonder to hear any such gentleman now pretend, that he has a disinterested and sincere zeal for the support of the queen of Hungary. When I hear such pretences set up by such gentlemen, and when I consider by what their conduct has been chiefly influenced for many years past, I cannot avoid having a suspicion, that this mighty zeal for the support of the queen of Hungary is now made use of as a cloak for covering some designs that are not fit for being exposed to vulgar eyes: I mean such as will not not view every thing through those false glasses set before them by ministers. In order to justify this suspicion, and to shew that it is not quite void of foundation, I must beg leave to examine our conduct since the late emperor's death. Our ministers began, it is true, to shew a mighty zeal for the support of the queen of Hungary, when she was first attacked by the king of Prussia; but every one now knows, and we have authentic papers upon our table, which explain the true cause of that seeming zeal: from those papers it appears, that our ministers had then a view of getting with ease, and without danger, some part of the Prussian dominions added to the electorate of Hanover; and that this was the true cause of the zeal they pretended, is, I think, evident, from its cooling all of a sudden, as soon as they found that Prussia would be supported by France and Spain, as well as several of the princes of Germany. Whilst we had this view before our eyes, nothing would serve us but compelling Prussia, by force of arms, to desist from his rash enterprize; and for this purpose the troops of Hanover were augmented, and the Danes and Hessians taken into British pay. But no sooner did this view vanish, or as soon as we saw that the accomplishment of this design would be liable to great uncertainty, difficulty, and danger, we gave over all thoughts of supporting the queen of Hungary, any other way than by granting her a small subsidy, which, according to what has been said by the advocates for this question, we ought not to have done; for according to what these gentlemen now say, we ought either to give her such assistance as will be effectual, or none at all. Their way of thinking, at that time, must therefore have been very different from what it is now, or otherwise they must admit what has been often observed, that ministers are ready to embrace every opportunity for squeezing money from the people, whether they think it will be of any advantage to the nation or no; be-

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cause, as it must pass through, some of it will always stick to their fingers, or to the fingers of some of their favourites.

Whatever may be in this, Sir, it is certain, our ministers gave over all thoughts of assisting the queen of Hungary, any other way than with the money granted her by parliament; and in this resolution they continued till the unexpected success of her arms, and the haughty, as well as bad conduct of the French generals quite changed the face of affairs in Germany. Upon this our ministers began again to reassume their seeming zeal for assisting the queen of Hungary, and supporting the House of Austria, though it was not now near so much the interest of this nation to support the power of that House, as it was at the beginning of the war; because the imperial dignity was irrecoverably gone to another family, and, consequently, the House of Austria could no longer be set up as a rival to the House of Bourbon. This the French knew very well, and; therefore, I am convinced, that as soon as they found themselves deserted by Prussia and Saxony, it would have been very easy to restore the peace of Europe, as well as Germany, if the queen of Hungary would have rested satisfied with all her paternal dominions, not then yielded by her to others; but an equivalent began then to be thought of, and this nation was to be loaded with the chief part of the expence in obtaining it.

Could our ministers, Sir, be serious in such a project? Could they think it possible for us and the queen of Hungary to accomplish it? And if it had been possible, could they think it was the interest of this nation to engage in it? No, Sir, I am convinced of the contrary, and, therefore, I must suppose, they had something else in view. What it is, I shall not pretend to determine precisely; but from their former conduct, I believe, I may pretend to guess, and shall leave it to gentlemen, to consider whether they have reason to think I guess right. We know the power which the emperor and diet have over the several states that compose the Germanic body: we know, that by the authority of the emperor and diet, free cities may be disfranchised, and ecclesiastical states secularised, and given to neighbouring princes or electors: suppose the court of Hanover had a mind to have something like this done in their favour: could they take a better method for obtaining it, than by encouraging the queen of Hungary to refuse restoring the emperor to his hereditary dominions, and to carry the war into France, in order to take from that kingdom an equivalent for what she has lost in Germany? And if they could prevail upon our ministers to promise her the utmost assistance of this nation, would it not be the best method they could take for encouraging her to embark in such a project?

I am far from affirming, Sir, that this is really the case; but if it is, let us consider the situation this nation, or the queen of Hungary, may be in. If we meet with great success in the war against France, the emperor must submit to what the court of Hanover insists on; and then the queen of Hungary will be left to carry on the war by herself, or must accept of such terms as that court shall make for her; if we meet with bad success, the queen of Hungary must submit to such terms as the French shall prescribe; and in order to pacify the resentment of the emperor, our ministers may be prevailed on to make sacrifice to France and Spain, which would very ill suit with the honour or interest of Great Britain.

But now, Sir, to suppose that our ministers are really serious; that they have no secret views; that they think it for the interest of this nation to be at the expence of obtaining an equivalent from the House of Bourbon, for what the queen of Hungary has yielded to Prussia, Saxony, and Sardinia; and that they think it possible for the queen of Hungary to succeed in this scheme, with the assistance of this nation alone; yet they cannot desire those gentlemen to concur in their measures, who happen to be of a quite different opinion; and as I am one of them that are so, I hope, they will excuse my concurring with them in running my country into a project where I think it may meet with ruin, but can expect no success. An hon. and learned gentleman has, indeed, endeavoured to shew the feasibility of this project, by representing France to be in the greatest distress; but, in my opinion, he presented us with a picture rather of this kingdom than that of France; and when he said, 'that nothing remained untaxed,' if he had added, 'nor any tax unmortgaged,' the picture would have been to the life. In these circumstances, can we propose to make conquests for ourselves, much less for others, upon such a powerful kingdom as France, when supported by Spain and the emperor of Ger-

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many? But what makes the project still more ridiculous, if we could have hopes of success, we must foresee, that those hopes will be blasted in the bud, by most of the princes of Germany joining with France, Spain, and the emperor, against us. Most of them have, of late, conceived such a jealousy of the power of the House of Austria, that they will rather join with France than see the power of that House increased; and such of them as have lately taken advantage of the queen of Hungary's distress, to get hold of some part of her dominions, must suppose, that their possession will be at an end as soon as she acquires power to take back what she has been obliged to yield, consequently they will be jealous of her success, especially against the French, upon whom alone they can firmly depend for the tenure of their late acquisitions.

From these considerations, Sir, it is evident, that in order to determine whether we are to give the queen of Hungary any assistance, we ought to distinguish between two cases that are in themselves very different. To enable her to preserve her own dominions, especially her Italian dominions against Spain, I think, we ought to give her such assistance as is consistent with our present circumstances; but to enable her to make conquests, either in France or Italy, I hope we have promised her no assistance, I think we ought not to give her any. And from hence it is evident, that we ought not to think of assisting her with troops; because she can have no occasion for our assistance in that case, in which alone we ought to give it, unless she is attacked in Flanders, Germany, or Italy. In Flanders she has never yet been, nor will be in danger of being attacked, if our preposterous politics do not provoke an attack upon that quarter; and we are not, I hope, to send our troops to her assistance, either in Italy, or the furthermost parts of Germany.

This, Sir, makes our present case different from any former. When queen Elizabeth sent her troops abroad, they were to be employed either in the Netherlands, or in the hithermost parts of France, where she could easily recruit and support them, and as easily call them back when she had occasion for them; but, if we send our troops to Italy, or the farther end of Germany, we can neither recruit nor support them, nor can we easily call them back when we have a mind; and the bad success we met with in Spain during the last war, ought to be a caveat against our ever again sending our troops to fight foreign quarrels at such a distance from home.

Having mentioned queen Elizabeth, Sir, I cannot pass over her story, without observing how cautious she was of involving her people in a heavy expence, for the sake of guarding against remote dangers. As Spain was then the nation most formidable to Europe, and at the same time her greatest enemy, it is certain that she would have been in very great danger, had that nation been able to reduce the whole 17 provinces of the Netherlands to obedience. That queen saw the danger she was in, but as it was a remote danger, she did not think her people were obliged to fight for preventing it, as if it had been 'pro aris et focis;' therefore she was so far from desiring her people to give the Dutch all the assistance they were able, that she sent over but 5 or 6,000 men to their assistance; and upon this condition, that they should repay her all the expence she put herself to, for their defence, and should put some of the best fortresses and sea-ports of their country into her hands, for securing the repayment. In the same manner it would certainly have been of the most dangerous consequence to her, if the Guise or Spanish faction had prevailed in France; and yet so cautious was she of putting her people to expence, that she never sent above 7 or 8,000 men to the assistance of Henry the 4th, and that at different times, and but for a few months: Nay, at last she refused to send him any of her troops, unless he would undertake to pay or subsist them.

Suppose the queen of Hungary had been, or should still be obliged to submit to the terms prescribed by France, I believe it will not be said, that this nation would now be in greater or more immediate danger than it would have been in at that time, had either the Netherlands or France been obliged to submit to Spain; why then should we now be in a greater fright than we were in queen Elizabeth's time? Or why should we now put ourselves to a much greater expence for guarding against a danger, that is at least as remote as the danger was in her time? The reason is, we have of late got into a ridiculous custom, of making ourselves the Don Quixotes of Europe; and sometimes under the pretence of preserving a balance of power in Europe, at other times under the pretence of preserving a balance of

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power in the North, we have engaged, *totis viribus*, in the quarrel of almost every state in Europe, that has, by its imprudence or ambition, brought itself into any distress. The consequence is, that whilst we take upon ourselves the burden of defending our allies, they give themselves very little trouble about defending themselves. The present queen of Hungary has shewn, what the last two emperors might have done during the grand confederacy, if they had begun the war, by giving satisfaction to their Hungarian subjects; but as they found us willing to fight their battles for them, against the common enemy, they took that opportunity to harass and oppress our brother Protestants in every part of their dominions; which was one of the reasons of that war's lasting so long, and, consequently, of this nation's being so much encumbered with debt, and so heavily loaded with taxes. Therefore, I wish, we would return to the wise maxims of queen Elizabeth, and resolve never to do so much for any of our allies, as to make them neglect doing for themselves.

Suppose, Sir, we were absolutely certain, that France and Spain will unite in a war against us, as soon as they have brought the queen of Hungary to their terms; are we, for the sake of putting off this distant danger, to support a land war, which will cost us more, and be much more ruinous to the nation, than if we were, by ourselves alone, to support a naval war against both these nations? If we could have reasonable hopes that our land war would be successful, we ought not to engage in any such scheme: How much less then ought we to engage in it, when we are almost certain, that our ally upon the continent will at last be overpowered, notwithstanding the utmost we can do to assist her. The maxim, therefore, of our keeping France and Spain involved in a land war, in order to prevent their attacking us with their joint force by sea, ought not to be received without some qualification. If we could procure such a confederacy among the princes upon the continent, as might support a land war against these two nations, with a very little of our assistance, it would then be right for us to think of it, because we should then be able to support our war against them by sea with ease and advantage, or the land war might, by a happy issue, put it out of their power to think of attacking us by sea; but if the land war must be chiefly supported at our expence, we ought rather to take our chance of supporting a naval war by ourselves alone, than engage in any such war by land, because it would divert us from prosecuting the war by sea, which will always be most convenient for us, and by which alone we can expect to reap any benefit to ourselves; and because, by exhausting ourselves in the prosecution of an unsuccessful war by land, we may bring a naval war upon ourselves, when we have no strength left to support it.

It is easy, Sir, to apply this to our present case: The war carried on by the queen of Hungary by land against France and Spain, must be carried on almost entirely at our expence. The expence will be such, that it is impossible for this nation, in its present circumstances, to support it for many years; and it is impossible we can thereby expect to obtain any equivalent for the queen of Hungary, or any concessions, either from France or Spain, for ourselves; because, if our land armies should prove victorious, other princes, who are now jealous of the power of the House of Austria, and whose chief security, for what they have lately got possession of, depends upon the power and friendship of France, will interpose, and prevent our reaping the fruits of our victories: nay, by their interposition, the queen of Hungary may be brought into as great distress as ever, and must, very probably, at last be forced to make the best separate peace she can for herself; so that, after we are quite exhausted by an expensive land war, we shall be left to carry on, by ourselves alone, a naval war against the united force of France and Spain, when we have no strength left to defend ourselves, either by sea or land. Our present measures, therefore, may very justly be compared to an ignorant quack, who, by strong and excessive evacuations, keeps off the crisis of a fever, till the patient has no strength left to go through with it, which is generally attended with certain death; whereas, if the distemper had been left to its own course, nature might have brought on a speedy crisis, the patient would have had strength enough to support it, and might have been quite easy, and fully recovered, before the time he had done taking the expensive, and wasting preventive remedies prescribed by the doctor.

As to what has been pretended, Sir, that our soldiers, when disbanded, will cheerfully return to their former employments, it is so contrary to experience, in all nations, and at all times, that I need

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give it no answer. It may, indeed, be in some measure true, if we immediately call home and disband our troops; because the new levies have not yet had time to get a habit of idleness, or to forget the business they were bred to; but if they continue but a few years abroad, none, or very few of them, either will, or can, return to their former employments, not only because of the habit of idleness they will have acquired, and their having forgot the business they were bred to, but because their places will be supplied by new hands, who will be preferred by the masters in every sort of business. This is so true, Sir, that let peace come when it will, I am persuaded, the danger of disbanding a great number of our soldiers, and thereby reducing them to a starving and desperate condition, will be made use of as an argument for our keeping up a much greater army in time of peace, than we have ever yet been prevailed on to do; and this may, perhaps, be one of the bye-views which our ministers have, in pretending to assist the queen of Hungary with troops. In short, the view they openly pretend to have, which is that of assisting the queen of Hungary with our troops, as well as our money and navy, is in itself so chimerical, and may be attended with such fatal consequences, that, I am persuaded, they have no such thing really in view; consequently, they must have some secret designs, which they dare not avow; and as all such ministerial designs are inconsistent with the true interest of the nation, and of dangerous consequence to our constitution, I shall always be extremely cautious of being made the dupe of their plausible pretences, which, I am convinced, would be the case, if, by their pretended zeal for the service of the queen of Hungary, I should allow myself to be drawn in to give my consent to the present motion.

Lord *Perceval*:*

Sir; if it were possible, after what I have read of former transactions in this country, and after what I have seen since I have had the honour to sit here, to be surprized at any thing that could happen in this House, the opposition given to this motion would have filled me with amazement: But it has ever been the epidemical disease of a great party in this nation, in all similar conjunctures, to hang upon the skirts of government, and directly or indirectly to oppose every measure of vigour against France. This House has never wanted, I should say France has never wanted, even in this House, a number of men, who have zealously declaimed to the manifest advantage of her views, upon pretences of our inability, of the impracticability of a war with France, and upon the security of our situation as an island; who first deceived themselves, have done their utmost to delude others, and who, by the fatal success of such declamatory speeches, have either prevented our early resistance of the measures of that power, or have compelled us to carry on that resistance with great difficulties at home, and insufficient means abroad, or have acquired influence enough in this government, to force a precipitate conclusion to that resistance. It is by this conduct, and by this alone, that we have insensibly been brought into that deplorable condition in which we lately stood, and into those dangerous, expensive, and precarious circumstances, in which it is but too true, that we still continue to stand. It is by this, and by this alone, that France has been enabled to rise to that prodigious point of power, which now threatens all Europe with universal bondage.

This power ought, above all, to be terrible to this nation; our situation as an island will never balance our situation in such a neighbourhood. It is not only the power by which this nation can be alone destroyed, but by which it most certainly will be destroyed, whenever those our allies upon the continent, who alone are able, by their land armies, to threaten her with any real danger, shall be broken and

* The following Report of this Speech was printed by Lord Perceval (afterwards Lord Egmont) and distributed amongst his friends:

Lord Perceval rose and said:

Mr. Speaker; Sir, I am called upon, in so extraordinary a manner, by an hon. gentleman who spoke lately, that, though I should have had no intention to have troubled you in this debate, it would be impossible for me to avoid it now, and equity and common justice entitle me to that attention of the House, which I have not the vanity to think either my experience or my judgment could warrant me to expect, in the same degree, upon any other occasion. Attacked, as I have been personally, with such an air of superiority, with such an air of contempt for my opinions on the present situation of our affairs, I might be justly pardoned for treating that gentleman as cavalierly as he has treated me; but I shall endeavour to retaliate in a manner, which shall not expose

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divided; whenever they shall be so awed, or so reduced, as to be unable to give her any interruption in the pursuit of her pernicious designs upon Great Britain. Such designs undoubtedly she long has entertained against us, and with greater rancour than against any other people of the earth. She hates the House of Austria, and she fears it; she means to distress, to break, and to dismember the House of Austria; but she can never intend the utter destruction of the House of Austria:

me to the same inconveniencies to which he has very unnecessarily, and very unprovokedly, exposed himself; for it is certain, that no man can receive so much prejudice from any other, as he receives from himself, who, with great conceit, affects to set his own reason above that of all mankind; nor are there many instances where that high degree of self-opinion is attended even with a common understanding.

Sir, the character I desire to attain in this House, and every where else, is rather that of an honest man, than of infallibility in point of judgment; yet, at the same time, as I think my country is entitled to the talents of every man in this House, be they great or small; and that it is their right, likewise, to require of every man to improve, and set forth those talents as well as he is able, and to expect that he should cultivate as much private credit as he can, in order to employ it afterwards for the public service, I conceive that I owe it not only to myself, but to my country, to shew that I am neither quite so ignorant, quite so superficial, or quite so ready to shoot my bolt without reflection in this House, as that gentleman would wish I should appear to be. I shall, therefore, by no means seek to shelter myself from being obliged to answer, by the manifest irregularity of that gentleman's conduct, in charging me, against all rule, with what he pretends I said eight days ago, in this House; nor shall I so much as observe upon what unequal terms I speak in my defence; I, who may be well supposed not to have strictly carried in my memory every passage that might have fallen from me at that time, and he who, after a preparation of a whole week from notes that he took of what I said so long ago, has digested that florid oration, which he has just now made you.—In truth, Sir, as what I spoke then was in consequence of very serious reflection upon the present state of our affairs, I am at no loss to recollect the material part of what I said on that occasion, nor am I under any difficulty now to enlarge, explain, and support what I then advanced. And when I have been indulged in this, I shall be very ready, in all humility, to submit it to the judgment of the House, which of us two may best deserve the title of an ignorant, rash, and superficial speaker.

The hon. gentleman who got up, as he told you, and as he ought to have done, to speak to the proper question, viz. Whether we should continue the 16,000 Hanoverians in British pay, seemed to have almost forgot to say one word upon that subject; however, at last he reflected, as I presume, that it was not quite so proper to display his eloquence for more than half an hour, without saying one word to the purpose of the debate. But the rest of his rhetorical performances may be reduced to these two points; first, what I said with regard to the present state of our affairs; and then, what fell from me, not without sufficient occasion, with regard to the opposition given to the measures of this time. I shall, therefore, follow him according to the order he has himself prescribed, and find myself obliged, if the House will indulge me, to clear my way through these two points, before I come to the main question of this day.

Sir, I confess that I did advance, and I will make it good, that our alliance formed in the late war of the queen, taking it in all its circumstances, was not more powerful than that in which we are now engaged; and, I believe I said farther, that we have now, as our affairs stand at this time, a better prospect to extricate this country, and all Europe, out of this difficult and dangerous conjuncture, than we had in the beginning, or during any period of the first three years of the former war.

The gentleman has been pleased to treat this proposition as ridiculous: and, truly, ridicule is as good an argument as any he has brought, or could bring, to refute it. But he farther attempted to bring some shadow of reason against it: and after a long common place, upon the ruin and destruction of engaging in a war with France alone, without allies, a cant of these times, which, contrary to the most glaring notoriety, no man who takes that side of the question scruples to espouse, he enumerates all our allies in the last war. He reckons the king of Sardinia, then duke of Savoy—the king of Prussia, the elector of Saxony, the king of Denmark—the Dutch, the Emperor, and most of the German princes.

I am sensible that this long catalogue of princes, thus said to be engaged with England in the grand alliance, may seem, to those who have made no reflection upon the conditions on which we had their assistance, to give a very great preference to the state of our affairs at that time. But all this mighty shew of power, will vanish away at once, before this single observation—that among all these powers, England, Holland, and the House of Austria only, bore the whole expence of that war, excluding the contingent of the empire, which was so mere a trifle, that it does not deserve to be brought to any account. For first, as to Denmark, we had from thence but 12,000 men, for which the Dutch and English paid the full price of mercenary troops; the king of Denmark did not send a single man upon his own account. As to Prussia, Saxony, the Palatine,

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so vast a spoil can be never wrested totally from that House, without raising up some other power dangerous to France. But as to this country, her old antipathy on account of former wars, her bigotry in religion, the envy at our extensive trade, our opulence, our power, our influence in Europe, the obstruction we have often given to her views, and the benefits she may justly expect from a change in this government, are motives that must urge her to pursue the entire ruin of Great Britain. Her pas-

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Holstein, and all the other German princes, I think, without excepting one, they did not send a man (excepting the small contingent already mentioned). England, Holland, and the Emperor, defrayed the expence, and paid the hire of them all. And with regard to the duke of Savoy, so far from receiving any aid from him, in the first year of that war, he was actually joined with France, and ever after cost us far more than the full pay of all the forces he was at that time able to maintain.

What then avails this enumeration of great names? It proves nothing but this, that either the gentleman was totally misinformed upon the subject to which he spoke, or that he has endeavoured to amuse and to misinform the House; for England, Holland, and the Emperor, were the only three powers, who in fact maintained that war, and I shall presently come to shew that the power of England, Holland, and the Emperor in the last war, did by no means exceed the power of the confederacy in which we are now engaged.

But, Sir, in order to introduce this properly, and to shew this question in its true light, I must beg your leave to bring to your view, what was the true state of Europe at the beginning of the late war; and if gentlemen will but give themselves the trouble to compare the circumstances of that time with this, I am very confident that I shall maintain my ground against this, or any other gentleman who shall please to dispute this point with me.

Previous then to all other considerations, let it be remembered, that the late war was a war of acquisition, and entered upon avowedly in that view, and upon that principle. The present war is only a war of self-defence and preservation, and I think nobody can dispute, but that there is a great difference in this circumstance, and that the latter undertaking is much less desperate, and, consequently, more prudent, and more likely to succeed, even with an inferior strength. But if that offensive war was attended with the greatest success; and if it shall appear, that that war was undertaken and carried on with less power, and circumstances of less advantage, a strong presumption must arise, that we shall be successful in the present war; and it is, therefore, prudent for this country to engage in it.

Now, Sir, when we begun the war of 1702, this was the condition of all Europe: England and Holland, in consequence of the partition treaty, which the factions of this country, joined with the cabals, and artifice, and corrupt practices of France, had compelled the crown to make, were totally disarmed. The forces of Great Britain in particular reduced to 7,000

men—and France was in full and entire possession of the whole Spanish monarchy, of Spain, of the best part of Italy, of all the treasures of Peru and Mexico, of the passage into Italy, of all the Spanish Netherlands, all the strong towns of Flanders, and Antwerp, which commands the Scheld, and gives an easy entrance into the very heart of Holland, Bavaria, and even Savoy, were in strict alliance with her; and the first of these powers possessed of a country, then in the most flourishing condition, and an army of 30,000 men, long prepared for war. In like manner, France was in the very zenith of her power, furnished with long premeditation against that event, and possessed of greater treasure, and a greater army of veteran troops, than these later ages of the world had till then, or have ever since seen. Thus, Sir, the allies begun that war with a necessity to wrench from France the strongest places in all Europe, the best provided, and defended with the most numerous armies of the earth; we, without any army that could deserve the name of one; the Dutch, with a body of troops very insufficient to defend their own frontier, and the Emperor in a weak condition, distracted with the practices of the male-contents, in the bosom of his own hereditary countries.

These, Sir, were the circumstances under which we then began an offensive war; under these circumstances the wisest men in Europe thought we were obliged to contend with France, and through all these difficulties we fought our way so well, that we had never needed another struggle for the liberties of Europe, if the iniquity of party, in this country, had not sacrificed all our victories to Frace.

Indeed, in the third year of that war, the state of our affairs was greatly mended by the glorious victory of Hockstedt; yet I will be bold to say, that even after that great action, the affairs of Europe did not stand so favourably for us as they do at this day. For France was still possessed of the greater part of Spain, of all the riches of the West Indies, and what was more than all the rest, of all Flanders, and the Spanish Netherlands. By this means, the Dutch were to that degree exposed, that we were obliged to quit all the advantages we had gained on the German side of France, where she lay most open, and were forced for their protection, to bring our arms again into that fast country, to protract the war, for many campaigns, in the taking of strong towns, at an immense expence of time, men and money, and this was the true cause of the length and vast expence of that war.

Let us now compare our present situation

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sions and her prejudices can be never gratified; her dominions and her interests never be secured, by any other means than the subversion of our happy constitution, the division of our territories, the total prohibition of our commerce, the establishment of a tributary prince, who must depend upon her authority, and of a religion which can be supported only by her power.

with that which I have thus truly described; and, to deal with the utmost candour, I shall make my comparison with that period of the last war after the victory of Hockstedt, when no man in England, or in all Europe, would have dared to have insinuated that it was not the interest of Great Britain to pursue that war. So much have these our times improved upon the former, in the confidence of censure, I will not say in the confidence of opposition to right reason, and the true interest of this country.

In one word, Germany is now, in all respects, by the happy consequences of the last campaign, as completely cleared of the French and her allies, as it was after the battle of Hockstedt in the last war—Bavaria is now as fully in possession of the Austrians, and the actions of this campaign, though perhaps not of the same eclat, have been of the same effect. The French have, upon the whole, lost in Germany a much greater number of their troops; —they have been driven back in the same manner under the cannon of Landau, and we are now in the same situation, and our armies arrived upon the same spot, where they went after that great action; but with this great difference, that all the veteran troops of France are in a manner ruined, her finances much impaired, her subjects dejected, and the credit of her power blasted in the eyes of all Europe.

If we should farther compare the forces of the contending powers, and the general state of Europe, our condition will still appear more advantageous. It is said, indeed, that Saxony and Prussia still threaten the queen of Hungary with new dangers:—but, in the first place, however they happened to unite upon a late occasion, I think we may be morally certain, that they never will again in any attempt of this nature. Saxony must be too jealous of the growing power of the king of Prussia, especially since the late vast addition to his country. And as to that prince, it should seem, in prudence, that after such an acquisition, he should be unwilling to run any risk of losing the great possession he has obtained so lately, by attempting more, which even France, as well as the rest of Europe, might have reason, in some degree, to apprehend. Nor could he now attempt to act this part, without a breach of faith, so notorious, that in the end it would render him obnoxious to all the world, and expose him to the inconveniencies of a general odium, which neither prince nor private man can well support. But after all, if the fears of what may happen hereafter, and arguments from possible events, are to deter us from acting that part which our faith, our honour, our interest, and our very being demand of us to act, the time will never come when we shall venture to exert ourselves in our own defence, let our danger be what it will. At present we see no reason to apprehend this event; and if we did, it is difficult to suggest that any other remedy would be left us, even in that case, but to cut our way out of that dilemma by the sword; for I know not who would try again to do it by way of treaty, with those powers whom no ties of treaty can bind one moment. I have but this to add, with regard to the distrust of that prince, that after the battle of Hockstedt we stood in the same circumstances; for Charles 12 of Sweden was then as much distrusted by the whole grand alliance as the king of Prussia is now; his resolutions as little to be depended on, his councils as little known, and his abilities to have hurt us not all inferior. In this, therefore, we are not at present in a worse condition than we were then, and no man then pretended to oppose your perseverance in that war.

Now, Sir, as to the number of your troops, it is undoubtedly true that, in proportion to the force against us, we are much stronger than in the late war. France was, at that time, able to maintain, by the revenues of the Spanish monarchy, and did in fact maintain, above 300,000 regular troops. And at this time I am very near the truth, if I assert, that her regular troops do not exceed 200,000. The accounts that we have seen of the French armies, spread about this country *in terrorem*, seem to make them amount to a much greater number, but these calculations are by regiments, squadrons, and battalions, which are small and very incomplete. I am sensible gentlemen will say, that we have the power of Spain against us, as we had then. But there is a great difference to be made when the same revenue now defrays the charge of two courts and two monarchies, which was then loaded only with the expence of one. And, besides, the sea war which we have made on Spain has prevented, in a great degree, those returns of treasure from America which were the main support of France in the former war. And in reality we see, that the crown of Spain has not hitherto been able to add above 30,000 men to the strength of France; nay, should we add the strength of Naples too, though it is still uncertain how far that will be employed against us, both Spain and Naples cannot furnish much more than 50,000 men to the scale against us. Thus it seems to me, that the power of the allies on their side does not amount to above 250,000 men, which amounted certainly in the last war to above 300,000, all united, all directed by the single hand of France, which is an advantage, and a very great one, now wanting on their part.

Let us then consider what was the force on

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It is little better than infatuation to be insensible of this formidable truth. And it is now no time to suffer ourselves to be amused by these deceitful and destructive doctrines I have mentioned, which have brought us into our present difficulties, and which many now unhappily labour to revive among us. It is the duty of every honest man to set his face against them. The poison has here already unaccounta-

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our part in the last war. In one year, and I think but in one year of the late war, towards the latter end, Great Britain furnished above 200,000 men; but this included guards and garrisons at home and abroad, and above 50,000 seamen and marines: so that in reality we furnished to the land war not above 100,000 men. The Dutch employed about the same number, and the House of Austria perhaps as many. These are gross calculations, but they are near the truth, and sufficient to give a general idea of that war. But the difference was so great between the circumstances of the House of Austria then and now, that this single point alone, considered as it ought to be, will reconcile the seeming paradox which I asserted: for at that time the forces of the House of Austria were, in the whole, not above 130,000 men, of which 40,000 were employed to resist the attempts of Hungarian rebels. And it must be considered, farther, that that great kingdom, which then took off from the aid of the grand alliance so great a body of troops, is now so far from being any weight upon us, that it furnishes alone near 100,000 men to the confederacy of this time. To this I must add, that neither the Milanese, Parma, Placentia, Tuscany, or the Low Countries, were then in the House of Austria, as they now are; but, on the other hand, they continued in possession of France, and served to maintain the armies of France, the one till the battle of Ramillies in 1705, the other till the raising the siege of Turin in 1706. It must be observed, again, that till that period the House of Savoy (which as I have mentioned was at first against us) afforded us no help, and never after above 15,000 men, which was all that was stipulated by that House in the treaty of 1703. And in this war, by the additions made from time to time to the territories of that prince, he is become much more potent; and, by the treaty concluded with him this last summer, he is engaged to assist us with 45,000 men, which in fact he does, and even with a greater force, and that for much less money.

Thus, Sir, by the aid of that prince the passage of the Alps has been hitherto defended, and probably will still be barred to France: and, by the barrier towns and strong places in the Austrian Netherlands, the Dutch are in no immediate danger. We have not that difficult, tedious, and expensive work to undertake, which, even after the campaign of 1704, still remained upon our hands; and we may begin the next campaign, with an attempt on that side of France where she is most vulnerable, and where in the last war we were never able to make any vigorous attack, necessitated as we were, for the reasons I have mentioned, to carry on the war in the Low Countries.

I must still observe one farther circumstance, that, from the nature of the attack now made upon the House of Austria, the war is carried on upon very different principles than the last. That war, as I have already observed, was a war of acquisition; this a war for immediate preservation; the question is not now, whether the House of Austria shall obtain an augmentation of dominions? It is whether the House of Austria shall exist? The desperate intention against that House must compel the utmost exertion of all its power. And accordingly we have seen such a force exerted by the queen of Hungary, as no man living could have hoped to see. The case of the king of Sardinia is not less critical, and, in proportion to his abilities, you find the same efforts made by him. From hence it is that the assistance we receive from these two powers amounts at least to 150,000 men more than they furnished in the last confederacy. And I will venture to pronounce boldly, that this 150,000 men does much more than balance what the Dutch fall short of in the present instance, and all that misrepresented strength which we formerly procured from different princes of the empire, which, as I have shewn, was not their strength but ours. It was a strength fully paid for by the Dutch, the Emperor, and Britain, and if insisted on, after the computation I have laid before you, must be reckoned twice over, because it is included in the account already given of the troops maintained by these three powers. I have spoke sufficiently to this point, and I now stand in the judgment of the House, whether what I formerly advanced upon this head is so chimerical, so superficial, and so irrational, as the hon. gentleman is pleased to think it.

I am, in the next place, to justify myself, for I do not know what severe expressions, which I am said to have used with regard to a set of gentlemen with whom I formerly concurred, and from whom I now totally differ.

With regard to this, Sir, I did think it once to my honour to concur with these gentlemen, and I think it as much to my honour to differ from them now. It is none of my fault that I differ from them now; I had never done it if they had not differed from themselves.

When first I came into the world, and when first I came into this House, we concurred in two points—these were the only important points, and I had no business to enquire, nor did I know what their sentiments might be on other subjects; mine ever were the same, and I kept them no secret. My concurrence, I say, with these gentlemen was barely upon these two points—"That of the war with France, and that of the late minister."—As to

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bly diffused among the people, and if not powerfully checked by the sense and resolution of this House, this House itself, before we can suspect it, may be compelled, by the factions of a deluded and inflamed multitude, to give this nation into the hands of France. For to abandon our allies in their present necessity, to desist from the measures of the war in which we are now engaged, would be in effect to do this. And yet to this point is directed all the clamour of the discontented, every libel

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the war, I knew no man among those gentlemen, I knew no one of my constituents, I knew no man in England, at that time, who was not for the war with France, and for measures of the greatest vigour, in the way of auxiliaries to the House of Austria. No man could be warmer in opinion for such measures than I was, nor did I know any one of these gentlemen less warm than me in the same opinion. With regard to the minister, our sentiments were then the same; I thought his policy too fearful, too pacific; too inactive for the times; and I thought we should be ruined by the fear of ruin, if he presided in the councils of this country longer.

Now, Sir, first, as to this minister, what has been their conduct with regard to him, and what was mine?—After all that vehemence, with which they thundered against him, they have not only dropped the cry, but not a day has passed, either in the last or in the present parliament, without compliments upon his sagacity, and an invidious comparison, most industriously drawn between him and the present administration, giving an affected preference, in point of honesty as well as understanding, to that minister. How am I to consider this conduct? Can I laud and magnify the sincerity of these gentlemen? And, when the nature of these debates, and the severity of this reflection oblige me to speak upon this conduct, how is it in my power, or in the power of any man, who will speak the truth, or who feels any indignation at an unjust reproach, not to speak of them in the manner I have done? As to myself, though the circumstances of the public affairs have brought many of that minister's friends to act with me, and though I very sincerely, for that reason, co-operate with them, yet this union never has, nor never shall, betray me to any mean disavowal of my own opinion, or base adulation of the conduct of that man whose former conduct, with regard to foreign measures, I think most unfortunate for this country. But thus much I do now declare, that I will never more join in the prosecution of that minister; to do this, I must be a dupe myself, and I must be base enough to endeavour, with my eyes open, to dupe the people. For what can I any longer hope from such a prosecution, when, on one side, they who supported and concurred in the measures of that minister, undoubtedly will never concur to punish him for those measures; and on the other, they who not long since affected to push that minister to the block for his pacific conduct, have openly espoused the same pacific principles themselves, and therefore in common honesty, or common decency, cannot? I therefore say, that I shall attempt no farther upon that minister; for it is very evident that I should stand alone if I did.

With regard to the matter of the war, I think I have not spoken disrespectfully of those gentlemen, either as to this or any point of their behaviour. But a man who sees the danger of his country in its true light, and the ruin that strides upon us from the growth of the French power, cannot, in duty to his country, so manage what he has to say in this House, as to suffer those impressions to be made which must leave France in full power to execute her pleasure upon the whole world. It must not, it ought not to be done, whether it pleases or whether it displeases. And if, on the other hand, every art is used to impose upon the understanding of mankind, every honest means must be exerted on the other, to shew how little weight those men should have who employ these arts. Whether their prejudices to men have cast a false medium about all our measures, and they are deceived, and act sincerely, or whether any other motives actuate their conduct, I never enquire; such an enquiry perhaps might offend. But no just offence can be taken in this House, however freely any man may speak of their conduct, if he avoids to attempt to ascribe it to any determined motive. This is a liberty, Sir, which I will use, which I am compelled to use on this occasion.

Called upon therefore, as I am, to justify myself for having spoken of what is called the opposition, in a manner which it seems is not to their good liking, I shall in a very few words, shew you farther why I have spoken of it in the manner I have done. But I shall first premise, that I desire to be now understood to speak of the opposition without these walls, of a set of men without doors, who have done every thing in their power, since the last change of the administration, to confound their country and this government.

First, then, this set of gentlemen without doors, as soon as that change was made, inculcated the doctrine of 'Vox populi, vox Dei,' that 'the voice of the people was the voice of God.' This doctrine, Sir, is not entirely new; I happened just now to recollect when, and by whom, and upon what occasion it was first preached; it was by a famous cardinal in the reign of Edward 2. It was the text which he chose for a sermon, preached by him before the rabble, to justify the deposition of that prince, and to prepare the way for the establishment of that authority, which brought that fatal catastrophe upon the prince, so well known in history. And it is undoubtedly a doctrine fitted well for such times, and for such purposes—I

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of the disaffected, and the whole endeavour of the present opposition.

It becomes me in prudence, and it is most agreeable to my inclinations, to treat those gentlemen with whom I formerly concurred, and with whom I totally differ in these points, with all possible regard; but I must own, that I have received the greatest alarm, to observe the sentiments now espoused by some of those, whose principles I ever thought would have preserved them against these notions. I may

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am sure it can serve no good one; because it creates a very singular species of government, and adds a fourth estate to the three we have already, which, by its divine attributes, must claim an absolute superiority over all the rest. Such a government has received no particular denomination, in any dissertation upon these subjects that I have read; I must, therefore, be contented to call it, in a plain way, the government of a mob.

Very little pains are requisite to form a party for a constitution of this kind, numbers are never wanting, out of their zeal for the public welfare, to take upon themselves the arduous burthen of such a government. These patriots of distinguished rank, assuming the title of the people, and claiming thus a kind of divine right, immediately began to assert their high prerogative. The crown was no longer to dispose of any preferments, the parliament no longer to give authority to any measures. Plain speakers as they were, they made no scruple to confess, that the view of the late opposition was to force their friends into employment, and that they would never be contented till this was done. And as men who were above regarding common forms, they never concerned themselves with what they had said or thought before. The legal government had, to humour them, espoused the measures of war. This was enough; every man was now a traitor to his country who supported those measures.

Now, Sir, I confess that I cannot bring myself to be so great an hypocrite, as to compliment this set of men, whatever their power may be; or however hereafter it may affect me, I will not act with them. I think, in my conscience, I cannot; nor can I in prudence; for they are as weak in point of judgment, as false in the prophetic spirit they assume.

First, when they had formed themselves upon this excellent model, they concluded, that as some of the late administration had been suffered to continue in employment, the same counsels would be still pursued, and the same pacific measures. Thus, for a time, and a little longer than was convenient, if they had known what was to have ensued, they preached up the same vigorous measures, nay they raised the spirit of the nation against the administration, upon no other presumption than this, that they only put on arms, but they meant no war. The public, weak enough to believe them, upon this presumption only, imbibed great prejudices to an administration, who certainly at that time had done nothing to deserve it, because in fact they had done nothing.

It must seem incredible, yet it is not the less true, that when the contrary of this appeared; when the government did, with the utmost vigour, press the measures of the war, when, therefore, the principal pretence for the public discontent was entirely removed, and when the public jealousy was disproved by the event, yet they still retained some influence upon the deluded people. And why? Because such is the fatal consequence of all popular heat, that the spirit once raised, may be afterwards directed blindly, wherever those who court it, please to lead it.

How otherwise could it be possible for the public to have swallowed the strange jargon, that was published in all the elegant productions of that set of men? The ministry were to be torn in pieces six months before, because it was sure they would not act with vigour. Six months after, they were infamous, abominable, execrable, and God knows what, for plunging the nation into an unnecessary, impracticable, and ruinous war. They were infatuated, corrupted slaves to a foreign interest, and Quixotes for sending troops abroad, to assist the queen of Hungary. Sometimes we were to assist her, sometimes it was absurd to help her at all; sometimes she was a princess so powerful, that to assist her was to embark in a war of acquisition; the next moment she was so reduced, that it was utterly impossible to do her any service. By fits they professed themselves still of their old opinion, that, indeed, she was to be assisted. But whenever this was granted, great care was taken at the same time to vilify and decry every one possible means of doing it effectually. The war was to be carried on by our fleets alone, though they well knew, that the reduction of our whole army could not enable us to send out or man one single ship more than was already employed; because already every ship that could be put to sea, and all the seamen that could be raised by any means whatever, actually were employed. At another time we were to assist her with money; but when the sum we did grant, inconsiderable as it was, considering the great occasion, came before the parliament, it always passed with some reluctance; what cry then would a million more have raised? And of what service would it have been but to exhaust her dominions of men, already sufficiently exhausted? To have furnished raw undisciplined bodies of militia to contend with regular troops? To have left Flanders absolutely naked to the French, and to have forced Holland to an absolute neutrality?

With regard to the predictions with which they anticipated all our measures, they had so fascinated those who had yielded up their understandings to their direction, that though

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speak freely upon this occasion: I have nothing to fear from any false reflection or aspersion, that I have acted an inconsistent part. Let those alone be stung with these reflections, who not two years since concurred with me to pull down the late minister for his pacific conduct, and are now become the advocates of the same pacific measures: measures, which they not only condemned so furiously before, but which were infinitely more excusable at that time, than they could be now, be-

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from time to time every one of them turned out absolutely false, this had no effect, the attention of the vulgar was strained up to some new prediction, and they never examined into the verification of the last. Thus they foretold that we should not assist the queen of Hungary; when they found we did, then they asserted that the troops we sent into Flanders would never act; that the Hanoverians and Hessians never would advance into the empire; that the Dutch would declare against us, at least that they would give us no assistance, and that the king of Prussia had cast down the bar before us, and that, with all our aid, the House of Austria never could be able to repel the French. In one word, every art and means were practised (I still speak, Sir, of what passed without these walls) to distress this government, to inflame the people at home, to encourage our enemies abroad, and to throw the liberties of Europe into the hands of France. Nor could the emissaries of that Court have acted better for its interest, or more artfully promoted her measures, or more zealously served her than these men did. It is for this reason, Sir, that I have spoken of them in the manner I have done, and if I have been to blame, it is that I have not exposed their conduct with still greater vehemence than I ever yet have done.

It is in my power, and I am very sorry that it is, to say much more in my justification upon this head; for with regard to the treatment of that point which is regularly the matter of debate this day, no age has paralleled the conduct of these men upon that subject. To this subject I am now naturally come, and I most heartily beg pardon of the House for having troubled you so long upon what was not properly the question, but in justice I ought to stand excused; the irregularity which I have been guilty of, must be ascribed to those who have forced me to say what I have said.

And now, Sir, as to the prudence of continuing the 16,000 Hanoverians in the pay of Britain for the year 1744, I am clear, in my opinion, that it is an absolutely necessary measure; for without it, we shall fall into the greatest absurdity, and an absurdity, attended with the greatest danger. You have already resolved, by a great majority, the continuance of the war; you have resolved the manner of conducting this war by land forces on the continent; you have determined to keep the national troops abroad. In resolving this, you have already in sense and reason determined this question. For you can carry on no war with 20 or 22,000 men; if you have an army abroad, you must have such a one as may be able to make head against the enemy; you otherwise abandon that cause to ruin, which you pretend to support. And let those who advise this, pretend to what zeal they will for their country, they shew very little tenderness to their countrymen, who, if they should succeed in their opposition to this motion, deliver up, by that act, so great a body of the bravest and most deserving of their fellow subjects to certain butchery.

Is it not then amazing, to observe so many men, in other instances men of sense, of knowledge, and of reason, indisputably affected to their country too, joining with that eagerness in this destructive view? Sir, it is a melancholy proof, what prejudice and passion may effect; what lengths a personal disgust, and thirst of victory in party, drive men to. The vile, the false, the scandalous insinuations, vented from day to day against this measure, has confounded common understanding in the very best of men.

It is extremely difficult, especially for me, after I have wearied your patience to the degree I must have already done, to attempt to go to the bottom of these prejudices, to shew, as I am able to do, that every one objection to this measure is built upon a false foundation. I am able to do this, and I will challenge any man to this debate upon any other occasion. But for the present I will select only two or three of those capital objections which have been made to it, that gentlemen may see, from this specimen, how much they have been deceived; and I hope they will be candid enough, afterwards, to distrust what they are told by the same men hereafter.

The first objection cast upon this measure was, that the Hanoverian forces were taken into our pay, many months before we had occasion for them, that is, that they were taken into our pay about August 1742, though they could not act offensively till the year following. From hence an infamous inference was drawn, which was directly levelled against the crown itself, that the single motive for the hire of these troops was an avarice insatiable, unrestrained by any tenderness to the burthens of the British subjects.--It is no difficult matter, when you beg the question, to draw any conclusion that may suit your purpose. The question here begged was manifestly false; for we had great occasion for them, and we could neither have composed our armies in the next year, so soon as we had occasion, nor were we sure of composing them at all, if this measure had not been taken when it was. The French might have made an attempt on Flanders, wholly unprovided as it was in that winter. The Dutch re-

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cause the state of our affairs was then in a manner desperate.

At the time this parliament first met, the manifest danger of the common liberties of Europe struck this nation with so much horror, that the voice of every man both within doors and without, cried loudly and irresistibly for these measures of war. The destruction of the House of Austria was considered as the ruin of the balance of power; the loss of that balance was then justly looked upon as the utter

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quired in all reason, to be secured and relieved from their immediate fear of France, before they could declare for us, which their interests, and the steps they had already taken made it highly probable they would. The rest of Europe could not be expected to join us, or to quit their engagements with France, without this evidence of our intention to engage heartily in the aid of the House of Austria. This measure, therefore, as to the time when it was taken, was founded upon all the principles of sound policy. But farther it was warranted by the example of all former wars, and by the particular circumstance of that time. For, in the last war with France, in the year before the first campaign, we sent over 10,000 men to Flanders, and the Dutch and we took no less than 50 or 60,000 foreign troops into our pay, the year before, that they might be ready to take the field the next. Nay, so early as the 20th of January, 1701, we, together with the Dutch, hired 12,000 Danes, which was much above a year before the first campaign. As to the particular circumstance of that time, the conjunction demanded this measure, we could have done nothing without it. We had often, of late years put ourselves to great expences, often made a show of war, but we had as often done nothing, and never ventured to bring an army into the field. To give a demonstration, therefore, that we were at last in earnest, it was necessary to go a step farther, and we had no other step farther to take but this; to form and to assemble a powerful army on the continent, upon the first opportunity. To form such an army, without the Hanoverian troops, was utterly impossible; such a body of troops were not to be hired, at that time, elsewhere; you know it to have been impossible, every man in this House knows it was impossible. And as often as gentlemen have been called upon to shew how, with any prudence, or even how at all, the place of these troops could have been supplied, they could never give the shadow of an answer to that question. Nay, Sir, had our ministers not been wise enough themselves to have discovered the importance of this measure, the conduct of France pointed it out to us in the plainest manner. It was glaringly apparent, from the very beginning of the war, that there was no one measure she so much dreaded, as the conjunction of the Hessians and Hanoverians with the English in the Low Countries. She knew, that no army could be formed to interrupt her views, but by this conjunction; and for this reason, and for no other in the world, she sent an army of 40,000 men into Westphalia, to lie between us to prevent it. After she had put herself to so vast an expence, for no other view but this; after she had opiniatred this point so long, and had submitted to the inconveniences of weakening her other armies in every other part for it (and such inconvenience did arise from it, that it was the utter ruin of her armies, both in Bohemia and Bavaria) our ministers must have wanted common sense not to have profited by so plain a lesson, and not to have seized immediately that fortunate opportunity which the unavoidable departure of the French army from Westphalia, then, and perhaps then only, might have offered. Thus, Sir, have I shewn how the foundation was first laid for that licentious treatment, which this measure has received; a foundation as evidently void of all truth, as the conclusions built upon it were manifestly void of decency and justice.

The next particular as to these troops, upon which the public was (without door) most industriously inflamed, was the manner of taking them into our pay. They were told "that it was done in an unprecedented way, without the authority, nay, in direct violation of the privileges of parliament."

This is a very heinous charge upon the administration, and, in the manner in which it was inculcated, little less severe upon the king himself. Surely, then, it ought to have been well grounded, and yet, when it comes to be examined, it will appear absolutely false. For it was a measure warranted by a thousand precedents in all our former wars, established by the practice of this government, and allowed by parliament upon all occasions of this kind. In the late war, scarce any troops were hired but in the intervals of parliament, and upon no other warrant than that of a general address of parliament to the crown, that they would support the measures of the war. The troops, thus hired, were brought into the estimate of the succeeding year, and then, and not till then, the parliament claimed the power of canvassing those measures. It was so, and no otherwise, in this instance; nor can the nature of these transactions well admit it to be otherwise. This is so true, that I could give you innumerable instances, nay, I believe any gentleman will find it difficult to produce one precedent of troops taken into British pay, in any other way. The treaties of subsidy for troops with Savoy, and with Portugal in 1703, were both concluded in this very manner. Nay, a case occurs to me much stronger, for in 1704, the duke of Marlborough, after the campaign was over, went to Berlin, where, without any knowledge of the parliament of England, or communication with the States of Holland (though they were to bear half the charge), he

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and inevitable, if not the immediate, subversion of the laws, religion, and independency of this kingdom. We had then no armies formed, the greater part of Germany awed by the arms, or corrupted by the gold of France. The greatest powers of Germany confederated with France against Germany itself. The dominions of the queen of Hungary, already in possession of the enemy, almost as far as to the very walls of Vienna. The natural allies of the House of Austria, scarce

concluded a treaty for 8,000 Prussians, for the service of the war in Italy. Yet, Sir, this was not barely a treaty of subsidy, but, if I am not mistaken, a treaty loaded with the burthen of a guaranty, and not only that, but a treaty of acquisition too; for we engaged with the king of Prussia not to lay down our arms, till we had put him in possession of Neuf Chatel and Valengin, territories on the side of Franche Comte, of which, in consequence of that treaty, he stands now possessed. Yet, Sir, the States of Holland were extremely thankful for it, though negociated by the minister of a foreign power, and without their knowledge; and the parliament of England, then more intent upon defending the liberties of Europe, than upon finding fault with every necessary means to that end, received it with the highest applause; and there is a strong address, now extant on your Journals, not only expressing great gratitude to the crown for its provident care, in taking so seasonable a measure, but giving high encomiums to the king of Prussia, for letting out his troops to us on that occasion.

But the greatest subject of uneasiness, the greatest handle for abuse, and the principal cause why gentlemen still oppose this measure is, the violent prejudices they have taken against it, upon what has been suggested "as to the nature of the bargain." This has been told in all places, and been proclaimed through the whole nation: the charge of these troops has been infamously aggravated beyond all example, and the vilest use has been made of this assertion by the enemies of this government, and the enemies of this country. The minds of the people have been dangerously poisoned by these insinuations, and God knows what effects it may produce. Some effects it seems already to have had, where it may be very fatal, I mean in the British army; and, considering the pains that have been taken to produce it, it is a mercy it has not had more. From hence a new argument has been derived against this measure, that it has now become so unpopular, so desperate, that, be it right or wrong, the public safety requires us to drop it at all events. But, Sir, let us have a little patience to examine, first, what has been the cause of this unpopularity. If it be justly founded, in the name of God disband them with the utmost expedition. But, if it be founded on the wicked arts used without doors to deceive the people—then the remedy will be this; for those gentlemen, who have that weight and interest in their respective counties, which many of them have, those only patrons of the people, to tell them how they have been deceived, to guard them against those false teachers who wish the ruin of us all, and to inculcate this now more than ever necessary lesson—that it is not the right of every freeholder, every tradesman, every householder in England, to set up to controul the legislature; —but that the constitution of this country can stand only by submitting, with a due deference, to the judgment of their representatives and of the legislature, who may be supposed at least to be as well informed as themselves.

I am now, Sir, going to clear up this question by positive facts, to which I must beg the attention of the House. If these facts are true, you must acknowledge, with the utmost indignation, how much the public have been imposed upon. If false, I desire no quarter from this House, or from any man in it that can prove them so.

First, then, as to the levy-money for the 16,000 Hanoverians—the public has been told that no such charge was ever made before; and that it was the most outrageous imposition to demand it for troops already raised.

To this I answer, first, that this sum called levy-money, is, in reality, not for the raising but for the equipment of troops; and in some treaties it is synonimously so termed. It is to provide accoutrements, horses, uniform clothing, and other necessaries, which few foreign troops, though trained and disciplined, and allowed subsistence, are furnished with till they take the field. This is the true state of this article of charge, and this charge, in almost every instance of foreign troops, has been at 80 crowns for each horseman, 60 crowns for each dragoon, and 30 for each foot-soldier.

Now, Sir, according to this computation, which is literally true, the 16,268 Hanoverians, taken into the British pay, should have been allowed for levy-money 171,796*l.* 10*s.*—whereas you were charged, upon this head, no more than 139,313*l.* 5*s.*—The difference is 32,483*l.* 5*s.* which is the sum by which his majesty, instead of exacting, has favoured this nation in the bargain—That is, out of this number taken into your pay, his majesty has lent you 821 horse, and 2,628 foot, for which he has charged no levy-money. You pay in the proportion you have always done, and as you must always do for near 13,000 of these troops, but you have 3,000 more, for which, in this article, you are not charged at all.

If it be disputed, that this 80 crowns a horseman, 60 crowns a dragoon, and 30 crowns a footman, is not the common charge, it is very easy to obtain satisfaction as to that point; almost every treaty of subsidy for forty years last past will shew it. I have already mentioned 12,000 Danes hired in the year 1701. Examine that treaty, you will see that the levy money was

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any one of them in a condition to afford her any assistance. Russia, by the treacherous intrigues of France, shaken in its very government at home, and embarrassed at the same time with the Swedish war abroad. The Dutch and the elector of Hanover separated from each other, and equally restrained by a great French army in Westphalia. And the king of Sardinia, surrounded by a very superior force, dubious at least as to his ability, if not as to his intention, to assist us. This was the

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exactly what I have mentioned. In 1734-5 you hired of the same court 5,000 foot and 1,000 horse. Look into your Journals, you will find the levy-money still the same. Nay, in the very last treaty with Denmark you paid at the same rate: and, what is still more, the very Hessians, now in your service, had the very same levy-money, to a single farthing, in proportion to their numbers; and yet, in every one of these cases, the troops so hired had been raised, and were subsisting long before. Where is the candour then; where the decency to inflame the people upon this head, to impose upon their ignorance, as to facts of this nature, in the manner it has been done?

Sir, I have shewn you the constant rate paid to the Danes; I have shewn you the rate of the Hessians, but I will go farther still. In 1703 you paid two regiments of dragoons, and two regiments of foot of Holstein, which I believe, upon the whole were the cheapest troops you hired in the last war, excepting in one instance, to which I shall presently come to speak. The sum you paid in advance to those troops, upon this head, though literally termed levy-money in that treaty, was 100,000 crowns, and that is equal to 22,500*l.* sterling, for 2,884 men, which, if you take the trouble to divide, you will find, within a trifle, to amount to the same levy-money as that allowed to the Danes and Hessians; and as the treaty was made on the 15th of March, and the troops were to set out to take the field upon the 26th of April following, it is evident these troops were likewise then already raised.

I should find it difficult to produce you many more precedents at this rate, not because other troops had been hired cheaper, but because almost every other bargain we have made has been much dearer. We hired 2,600 Palatine foot in 1703: they had no levy-money properly so called, but we obliged ourselves to pay 40,000 crown, or 9,000*l.* per ann. in lieu of levy-money as long as they were employed in our service, which was a great deal more. We likewise paid 30,000 crowns for the first year, in lieu of recruits, hospitals, douceurs, and for this handful of men: all this, together with their pay, they were allowed eleven months before they took the field; for the treaty was made on the 17th of May, 1703, and they were not to march till the 1st of April, 1704.

The elector palatine was not contented with these advantages—the maritime powers were obliged to pay him upon this footing for 7,000 men: yet the public authorities of that time observe that, for two years of the war, they were forced to indulge him in maintaining only 5,000, by which he saved the expence of 2,000 men, which, according to their pay amounted to above 23,630*l.* per annum.

We hear nothing talked of from the other side of the House, but the wisdom, prudence, and œconomy of the States of Holland. We, on the other hand, are a mad, a rash, and spendthrift people, the object of their contempt on this account, and for this reason not to be dealt with by them. But, as wise, as prudent, as œconomical as these States were, they bore their part in all these very expences, in the last war. Nay, farther, when they hired troops themselves, alone, they paid dearer for them; for, upon an augmentation of their quota in 1707, they hired 3,200 of the Palatine foot, and 1,200 horse, and paid a levy money of 25 rix-dollars, or crowns, for every footman, and 95 for every horseman;—which example, if followed in the present treaty for the troops of Hanover, had entitled his majesty to a levy-money of 178,139*l.* sterling, which is near 39,000*l.* more than we are charged in the present bargain.

Sir, I hope I have said enough to shew the malice of some, and the error of many, with regard to this important article of the Hanoverian levy-money. I shall trouble you but little as to other points, but I must just say one word to that of the recruits, which is boldly asserted to be a new and unwarrantable charge in this treaty; nay, it is positively asserted, that the Hanoverians hired in 1702 had not this allowance.

On my part, I take upon myself to assert, with equal confidence, and upon much better grounds, that they had this allowance; nay, that all the troops we paid had this allowance in the last war. Advantage is taken, because these recruits are not expressly mentioned in the treaty of 1702; but it must be remarked, that this treaty had reference to a future treaty, which was to be made, and was accordingly made soon after, in which several articles of expences were added; besides, it was even there stipulated, in general terms, as it was in many of the treaties of that time; nor was it necessary to be done otherwise, because it had been the constant practice, in the war of king William, to allow the foreign troops 80 crowns for each horseman, and 25 crowns, or 5*l.* 12*s.* 6*d.* for every footman killed or lost before the enemy, and the same for every three men wounded: upon which precedent they proceeded in the war of queen Anne, and this allowance was re-confirmed by a positive resolution of the States General in 1704.

But, with regard to the recruits of these Hanoverian troops, we have public authorities, still more positive to that point; for in 1702,

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deplorable state of our affairs when this parliament first sat down. Yet even in this extremity the whole nation called upon us to exert our utmost efforts for the preservation of the House of Austria. This House resolved, unanimously, to send 16,000 of our national troops abroad, and voted great subsidies in money to the king of Sardinia, and queen of Hungary. It was then the opinion of all mankind, that no expence, no danger, ought to deter us from engaging in these measures. This

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the commissary general of Hanover made a formal complaint to the States General, that his master was allowed recruit-money, only at the rate before-mentioned, which he said, was so small an allowance, that his prince was a loser by it. The Dutch answer is remarkable: "That they were extremely sorry that the court of Hanover thought itself aggrieved in any transaction in which they were concerned, but that they begged it might be considered, that this was the constant allowance in the preceding war; and that it was the general allowance made to all the foreign troops hired by the allies, and that the consequence of any augmentation, in this respect, to Hanover, must draw upon them a proportional increase of expence with regard to all the other powers." This, Sir, is a clear and a positive proof against the insinuation, that the article of recruits, in the present Hanoverian treaty, is a new charge upon this country. And, if any thing more were necessary, I could produce in the Holstein treaty, and several others, express conditions in these very words, to be allowed recruit-money, douceurs, &c. "upon the same foot as was allowed to the troops of Hanover." And, Sir, however exorbitant this may appear to those who are unacquainted with these transactions, even the German princes, among themselves, can rarely make a better bargain. The elector palatine himself offered the Dutch, in 1709, thirty crowns a man, to recruit the 10,000 men they entertained of his own troops, which they refused to undertake. And the lowest price that, I think, occurs in all the last war, was in the beginning of it, when the emperor obtained 1,000 recruits from the elector palatine, at 20 crowns per man.—He likewise bargained with the king of Prussia, in 1706, for 1,500 men at the same rate; but that prince afterwards complained of his bargain, and the emperor was obliged to make him amends in another way.

After this, how is it possible to avoid deploring the ardour of gentlemen to find fault, and the disposition of the people to believe every reflection that is made upon the public conduct?—Gentlemen half informed, and unacquainted with the whole course of affairs of this nature, fancy they see objections where there is no fault, and talk upon them with so much confidence, that the public, thinking it impossible that an opposition should err, either in honesty or knowledge, run headlong into the belief of any thing they think fitting to suggest.

Every point that farther relates to this question derives its objection from the same source. The rate of exchange, the charge of general officers, and that of the artillery. The clearest, plainest, and most candid answer may be given to every one of these particulars, but I cannot enter into this detail.

One thing only upon the general question must certainly be acknowledged; that on the whole the Hanoverian forces hired in 1702 were obtained without levy-money, and cheaper, in that respect, than those that have been hired upon this occasion. But to this I have two or three things to observe, and I shall then have done.

Gentlemen will please to consider the state of the family of Hanover at that time. Hanover, till the prospect of the succession to the crown of England, had been almost ever in the interest of France. The same arts and means, that have lately influenced Bavaria, Saxony, and Prussia, naturally gained that power too; and certainly one great advantage of the accession of this family, is the depriving France of the assistance of that House in any trouble of Europe. Their preceding conduct had disgusted the emperor, and many other German princes, who were then warm against the power of France. It was therefore very necessary for the court of Hanover to take some extraordinary means to shew its sincerity to the common cause. Again, at that conjuncture, this family had been raised to the dignity of an elector, which dignity had drawn upon them the envy of many potent Houses of the empire, and as it was not at that time absolutely confirmed, it was incumbent upon them, highly in point of prudence, to diminish or overcome that envy, by some signal merit to the empire and its allies. In the last place, the House of Hanover had been but just taken into the act of the succession to this crown; and by the small majority with which that passed in parliament, it was very evident how strong the prejudices of a great party run in this nation against that succession; and in such a conjuncture, it was of the utmost consequence to remove those prejudices, though at any expence, and with the greatest inconvenience, in point of money. These are plain and natural reasons, why you had those troops so much cheaper than ever you hired any foreign troops since you have been a nation. And so cheap you had them, that I can produce authority to prove, what I believe will surprise gentlemen to hear, that it was acknowledged, both by Holland and Great Britain, that the elector of Hanover lost 60,000*l.* sterling per annum by that bargain.

Now, Sir, do the same reasons subsist at this day, for the elector of Hanover to put himself to this expence? And where is the disposition to thank him, if he did? Is any man in this

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opinion was justly founded upon this reasoning; that ruin being certain, if we remain inactive, however improbable it might be to prevent that ruin, even with our utmost efforts, that it ought to be attempted: that in such extremity of danger, caution was imprudence, and that nothing but folly could induce any man to plead for the preservation of troops, which, after such an event as the ruin of the balance of power, could not defend us; or for the saving of treasures, which might indeed tempt our enemies the sooner to invade us, but were utterly insufficient to withstand the whole power of France and Spain united and turned against us alone.

If such were the circumstances of this nation, such the sense of the whole people, and such the opinion, advice, and resolution of every individual member of this assembly, where is the man in this House entitled to condemn the same measures now, with that air of authority, which the gentlemen on the other side the House assume of late in every debate? Do they flatter themselves that it can be so soon forgotten, by whom this country was brought into these measures, and if they ought to be condemned, who are to be justly answerable for them? If these gentlemen would give themselves time only for the least reflection upon their own

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House entitled to reflect upon his majesty, if, in his distinct capacity, as an elector of the empire, he does not make you this annual present, or rather twice as much; for the number of men (besides the disproportion of horse) upon which he lost that sum, was but 10,000, and his loss must be vastly greater upon 16,000. If he still hires these troops to you cheaper by an annual subsidy of 100,000*l.* which (over and above the levy-money) you must have paid to Hesse or Denmark; and if, even in the levy-money itself, he favours you with 3,000 men, or to the amount of almost 40,000*l.*—are your ministers to be accused of having made a bad bargain, or is your prince to be traduced for avarice and extortion?

Consider that, in all the former wars, England and her allies never entertained less than 22,000 of these very troops; that they were so well respected, and looked upon to be so necessary, that you could never do without them, even when you had it in your power to hire from all the princes of Europe; nay, that when we made a separate peace, in 1712, the Dutch alone took them into their own pay. How then can you hope to carry on this war without them, when, from the circumstances of this time, you are confined to so few powers, as you are in this conjuncture.

Consider, farther, the dangerous consequence of inflaming the people upon so tender a topic, and consider the advantage you give France by the manner of treating this question. If Hanoverian troops are to be employed in any conjuncture (and they have been employed in every other conjuncture), how much more necessary is it to employ them now! If they are never to be employed, don't you evidently take out of the balance against France a number of regular troops, almost equal to the power of Bavaria? And is not this very opinion and determination of the parliament of England, if it once becomes an established doctrine, equal in effect to the acquisition of another province, another Lorrain to France? The revenues of the electorate of Hanover may keep these troops on foot, and maintain them in their own country:—but all mankind must know that they can never be employed abroad in the common cause, unless supported and maintained at the expence of the maritime powers. So that, henceforwards, they must be ever useless against France.

Sir, it is irregular to take much notice of what passed in yesterday's debate; but I cannot leave this subject without saying, with regard to the manner of speaking in which gentlemen have indulged themselves of late with regard to Hanover—That national reflections are unbecoming any gentleman, and are everlastingly unjust; and I will say this farther, that when they have been cast upon any state, which owned the same common prince with us, they have been ever highly resented by this House. In the reign of king James the first, Scotland stood upon the same footing with regard to England that Hanover now does. That prince endeavoured at a union between the two kingdoms, to which he could not obtain the concurrence of his parliament; yet, with a very extraordinary stretch of his prerogative, he declared this union by his proclamation, and set up the arms of the two nations, marshalled together, in testimony of this pretended union. You may believe no true Englishman could brook this intolerable exercise of a direct arbitrary power. The patriots of that age took up the matter in the most steady and effectual manner, and defeated this attempt. But, great as the cause was in this instance for resentment against the prince, they proceeded with so much prudence and regard to the crown, that they expelled and voted to the Tower one of the most popular and leading members of that time, sir Christopher Pigot, knight of the shire for Buckingham (as it is entered upon the Journals), for a scandalous invective upon the Scottish nation, though delivered in this House. For this was the judgment in those days, that freedom of debate did not consist in licentious language, or that any man had a right, under the pretence of zeal to his country, to talk in such a style as naturally, though indirectly, tended to bring the nation into confusion, or might lead insensibly to dethrone the prince.

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conduct, I am persuaded they would be more moderate in their censures upon other men. They would think themselves sufficiently happy, in being permitted to change their own opinions, without incurring any reflection for it, and forbear to insult others for acting in one uniform and consistent way, upon the very plan which they themselves prescribed no longer than two years since.

For my own particular, I never differed from myself with regard to this great point, not only from the hour I first entered into this House, but from the time that I turned my thoughts at all to the public business. With regard to the interest of this country, in preventing the least acquisition of power to France, I ever did, and I ever shall think, that the very being of this nation depends upon it. And for what relates to the present question, I am utter unable to reconcile to common sense or reason, nor can I find out, to what cause I can attribute this sudden change in the sentiments of many of my friends. Is our danger equal? Our resolution to withstand it ought to be the same. Is our danger less? Surely this must be a great encouragement to pursue those measures which have made it less. Is our danger now none at all? I own, that it is doing too much honour to the administration to insinuate this to be the case. And therefore, in what light soever I consider this proposition, it seems to me no better than madness to recall those troops in this conjuncture, which you all clamoured to have sent abroad in the former condition of our affairs.

Where was the man of the most sanguine hopes, who could have thought two years ago, who could have flattered himself even at our last meeting here, that before we met again, the House of Austria should have recovered her whole dominions, possessed herself of the territories and electorate of Bavaria, ruined a great army of the French, and repelled all the forces of that nation to the banks of the Rhine; that she should have even carried the war into the bowels of France itself, as by her irregular troops she did? Is it to avail us nothing to have forced the French, by a series of defeats, to have traversed half Europe, not in the way of a retreat, but of a total rout, to have brought a superiority of power to the very frontier of France, to have added experience and great glory to the British arms, to have dissolved the confederacies, ruined totally one of the allies, and baffled in every part and point the power and designs of France?

Yet, after all this, one hon. gentleman has thought fit to assert, that we have done nothing; and why? 'Because the Aus-'trian armies did not pass the Rhine.' Good God! is all that I have recapitulated here to be accounted nothing? Where have we heard or read of so vast a turn in the story of any time? Another hon. gentleman owns, that, indeed, a little has been done, 'but then it has been done by the Austrians, and not by us.' But let me ask, whether the House of Austria could have done what she has done without us? Could she have maintained her vast armies without our supplies? If the 60,000 French we detained so long upon the Maine, and beat at Dettingen, had been added to the armies of the enemy in Bohemia and Bavaria, was it probable, that the queen of Hungary could have gained a superiority, or even stood her ground in the heart of Germany? Could the king of Sardinia have attempted to resist the united powers of France, Spain, and Naples, without our fleets, without our money, without this diversion occasioned by our arms? Had our troops been disbanded and recalled, in pursuance of motions of the same nature with this now made you, which were likewise made in the last session of parliament, where is the man can doubt, but that by this time, those colours had been planted on the ramparts of Vienna, which many now in this House have lately seen protected, with difficulty, under the cannon of Landau?

When gentlemen can thus turn short upon themselves, and quarrel with their own councils, and their own system: when they can work themselves up to such a point as to deny these visible advantages, and repine at the most providential success; nothing that they may object farther to any branch of public conduct can create the least surprise. I shall therefore express no wonder at the other assertions of the hon. gentleman, strange as it must otherwise appear to me, and every man of common understanding, that such sort of reasoning should hope for any countenance in this assembly.

Among other matter of reflection upon the administration, the same gentleman upbraids them 'with a neglect of the Spanish war, to carry on a war in which we are not at all concerned.' This short sentence contains at once two assertions,

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fraught with delusion, but a delusion so very gross, that it can never weigh with a majority of this House.

'As to our pursuit of a war in which we are not at all concerned;' by this, I suppose, is meant the war in which we are engaged in support of the House of Austria. But to this I shall say very little; for if there is a man who can seriously believe, that we are not concerned to prevent the universal influence, or universal empire of France over all Europe; or who does not see, that neither the trade, nor liberty of this country could subsist an hour after that event; or who is weak and ignorant enough not to know, that a very small addition of strength to France, either by an immediate accession of power to herself, or diminution of power in those states who form the balance against her, must inevitably give her that universal influence, or universal empire; such a man is not to be argued with; no reason can operate upon a mind incapable of assenting to a proposition, of all others, in nature the most glaring and self-evident.

But as to 'the neglect of the Spanish war,' men may be more liable to be imposed upon by this suggestion, because they are taught, and it is easy to confound the present with the past. I am myself as ready to allow, as any gentleman in this House, that in the beginning of that war, and whatever reasons there might be for it, none have yet occurred satisfactory to me, the slowness and weakness of our preparations bore the face of manifest criminal neglect. But at this time the case is extremely different; for however we might have wounded Spain in the West-Indies, in the beginning of the war, experience must, or should have taught us, that Spain is now become invulnerable in those parts, that our attempts against her in that climate are ruinous to our troops, and to our fleets, and more destructive to ourselves than to the enemy. Whereas, on the other hand, by the measures we have pursued lately with regard to that power, and by taking prudent hold of those opportunities which the rashness and ambition of the queen of Spain has afforded us in Europe, it must be visible to every man who is not wilfully blind, that we have put her to incredible expence; that we have distressed and weakened her by a prodigious loss of troops, by cutting off, in a great degree, the means either of recruiting or withdrawing her Italian armies, by the ruin of her credit in Europe, and by an almost total interruption of her returns of treasure from America. This can admit of no dispute, and I may defy the wisest man on earth to point out any method, by which we can gall or injure that power by any other effectual means, or at least by any means less injurious and expensive to ourselves, or more conducive to the support of that general system, which we are bound in duty to our allies and to ourselves, by treaties, and by self interest and self preservation, to maintain.

The hon. gentleman asserted in the next place, 'that it is unprofitable, and impracticable, any longer to carry on the war in favour of the queen of Hungary.'

He says it must be unprofitable, because we have already done all that we can hope to do. The Austrians have recovered their dominions, the French are expelled, or at least are retired out of the empire: what more can you desire or expect?

Sir, however plausible this reasoning may be, it contains a notorious fallacy, and this fallacy appears at once, by attending to this one observation, that the gentlemen on the other side, when they talk in this strain, speak only of the means, when they should consider the end. In the same manner I observe, when it suits the purpose of their argument, they speak of the end, when the means only are in question. But in this case, the speaking of the means, and considering the circumstances and nature of this war, and the time we have been engaged in it, we have done much more than could have been expected; yet speaking of the end, and it is that which ought to guide our councils in this debate, we cannot justly say that we have done any thing; for in matters of war, nothing is done till the end is compassed, that is, till peace is made, or at least is in our power to make, on solid, safe, and honourable terms. Were we to destroy all the regular troops of France, were we possessed of half her provinces, and every strong town in her dominions; were our armies now triumphant in her capital itself; still if we were to withdraw and to disband our forces, to give her leisure to raise new armies, to repossess herself of her provinces, of her strong towns, and of her capital, what man is so stupid as not to see, that in all propriety we might be said to have done nothing? This will be the very case, if we now recall our troops. What shall

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hinder France from raising new armies, from forming new alliances, from re-entering Germany once more in the same hostile manner, and from attaining every point of her destructive and ambitious views? Unless, therefore, this gentleman can shew, that such a peace as I have mentioned, (and I will add, a peace, in which our differences with Spain likewise are properly adjusted) is now in the power of our ministers to make; nay more, that such a peace is actually made; with submission, I humbly apprehend, that all he has said upon this head, is very little to the purpose.

I shall now speak to 'the pretended impracticability of the war.' That it must be very burdensome, there is no doubt, for if the greatest state in Europe, animated by the prospect of universal dominion, enabled by the absolute power of its government to draw every shilling out of private pockets into the public purse, and assisted by the personal service of all its people, through the national vanity, and martial habit of the country; if such a state will press the ruin of its neighbours, with an obstinate expence of all its blood, and all its treasure, no man can be so weak to think it an easy task to reduce, or even to resist a power which shall act this part. But consider not so much the difficulties you must now encounter to defend yourselves in this conjuncture, as the certain impossibility of your being ever able to do it again in any other, if you lose the present opportunity.

The supposed impracticability of the war is founded upon these reasons; that we are a ruined and exhausted people, that we have no allies, and that the Dutch do not assist us. I shall take the liberty to say a word or two to every one of these propositions.

First then, that 'we are a ruined and exhausted people,' is so far from being true, that it is amazing any man can seriously assert it in defiance of the testimony of all our senses; when at this very hour we raise immense sums, with great facility, at little more than 3 per cent. when notwithstanding the fashionable cant of the times, it is indisputably true, that our commerce flourishes in the highest degree, and in particular the woollen manufacture, the staple of this island. That this is the case of that branch of trade, is manifest from the papers relating to it, now in the custody of your clerk, which I took the liberty myself to call for not long since; for it appears from thence, that in that article alone we have exported annually, for the last three years, one fourth part, or a million more at least in value, than in any former period. And as to the general trade of this country, the accounts of the sinking fund, now lying on your table, afford a most unerring rule by which you may judge of that; for this fund arises from the surplusses of all your duties, and, in its last year's produce, has amounted to 120,000*l.* more, almost, than it ever did in any time of profound peace.

As to the next particular, that 'we are 'now in war without allies:' When gentlemen assert this, they must certainly imagine that they talk to children, or at least to men who have lost all their understanding. Is the House of Austria no ally to us, because she is the principal in this quarrel? Did ever any man pretend to say that the emperor was no ally to England in the last war? This is a quibble about words, which cannot possibly bear debate. Is not the king of Sardinia our ally; are not the Dutch our allies, though not yet entered in the same proportion of expence? Sir, I will venture to go farther upon this head than I have hitherto heard any man do upon it: I will undertake to prove, that the confederacy in which we are engaged against France, as it stands at this time, is even stronger than that in the late war. This is not to be denied, if it appears that we have any thing near the same number of troops that we then had; since, if the alliance be now confined to fewer powers, and those fewer powers have nearly the same forces, it is a certain argument of superior strength; for the weakness of all confederacies lies in the number of the contracting parties. The utmost degree of strength is in a power lodged in one nation; the next to that in a force combined of two only; and the farther you remove from the point of unity in all engagements of this sort, your ability is diminished marvellously by it. The reason is evident from the experience of all, and particularly of the last war; and it proceeds from the variety of the views and interests, from the jealousies and differences, which constantly arise at all times, more or less, in combined armies, and confederated nations. Now, Sir, give me leave to observe, that the troops of the powers engaged on our side, amount at this hour to 350,000; the Austrians are 230,000; the king of Sardinia, exclusive of his militia, maintains near 50,000;

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Great Britain has at least the same number in actual service against the enemy, besides what she maintains for the immediate defence of her own dominions; and the Dutch have this year furnished 20,000. I desire gentlemen, after this, to reflect, whether, notwithstanding all the nominal allies we then had, the troops of the confederates in the last war ever amounted in fact to more than these; and whether all the troops of France and Spain, that can possibly be employed against us, exceed this number?

This leads me, Sir, to the next objection, 'that it is impracticable to carry on 'the war without a farther assistance from 'the Dutch.' But I must take notice of one thing before I enter into this very popular, though very superficial argument. If gentlemen do in earnest think it absolutely necessary, and if they do in earnest wish that the Dutch should join us with all their power, can any man imagine, that the conduct of those gentlemen who make you these motions, and who harangue from day to day against our support of the House of Austria, is the likely means to induce them to it? One great cause of this cold and cautious management of the States, is obvious to the whole world. They cannot yet depend upon the stability of the measures of Great Britain. In the last war they, and all the rest of the allies, were abandoned wickedly by this country. This is what they never can forget, and strange it would be, if they should forget it at this time, when they see so great a number in this House, at this day, treading in the very same steps, and acting the very part of those who caused that unhappy and dishonorable issue to the late war. These gentlemen, therefore, have at least no right to clamour at the Dutch for their conduct, till they change their own; nor are they justified to oppose the present measures of this government, on pretence of a defect in power, of which they are so much the cause themselves.

But now, Sir, as to the point itself. Perhaps what I am going to insinuate, to some may appear a kind of paradox, in which, however, I am satisfied that there is at least so much reason, as certainly to deserve a little attention; I say, perhaps, it may be matter of doubt, whether it may be so much our interest as some gentlemen imagine, that the Dutch should engage much farther than they have done. I think, by what I have already observed, that unless some new event should happen, our alliance is at least equal to that which we contend against. If so, let us consider seriously, what great advantage would accrue to us from what we desire of the Dutch. This, I think, might possibly be found the consequence: It might make the war more general; and, consequently, render it more difficult to bring it to a period. It might bring the war where we might least wish to see it, and yet put France under no new difficulty. The contrary sentiment prevails so strongly as it does, chiefly from a want of due regard to the service which the Dutch now do us. Sir, they now assist the queen of Hungary with money, and with 20,000 of their troops. Their armies, since this war, have been from time to time augmented by above 30,000 men. They have refused a neutrality with France; and they have already, in the strongest terms, acknowledged this war to be a *casus fœderis*. France must therefore look upon the Dutch, whether they declare more openly or not, to be, in fact, as much engaged against her, as if they marched their whole army to invade her country. The Dutch are now at the very same expence, or near it, as if they did; and by the situation of their troops, may, at any time, in less than three weeks, advance upon the frontier of France. France is therefore very near as much embarrassed and distressed by this conduct, as if they declared actual war. For not knowing how soon they may, she is obliged to repair, supply, and garrison her towns in Flanders, at a vast expence, and to maintain an equal body of troops on that side, in the same state of inactivity with those of Holland, while we are enabled, by this means, to act offensively in any other part, with the same proportion of power, as we could do in the other case. I would not be understood to urge this argument so far, as to be thought to mean, that the Dutch could not afford us still a greater assistance than they do; but, I mean to infer thus much from it, and, I am sure, I am right in it, that the advantage of that assistance could by no means work so great a difference, as these gentlemen suggest. This, I am satisfied, will certainly appear, if ever the Dutch should advance considerably farther in this quarrel; and this you may depend upon, that for the very first event, it will bring the war inevitably into Flanders; and to our own door, where I much doubt whether it may be our interest that the war should come.

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Upon the whole, in my humble opinion, such is the true state of our affairs, that it is equally absurd to say, that we are now in no danger from the power of France, or that the power of France is so great, that we have no means possible to resist it. Both these sentiments, absolutely contradictory, and diametrically opposite as they plainly appear to be, are used alternately and indifferently by the gentlemen on the other side, in support of the dangerous proposition of this day to recall and to disband our forces. I have no pleasure in reflecting upon inconsistencies, and they have been too obvious in this, and many other of our debates of late upon this subject. I shall only therefore say, as to the state of our affairs, that the fact is this, that, such is the power, such the ambition, such the destructive plan laid down by France to divide and enslave the world; a plan pursued with the utmost obstinacy through every difficulty for above a century last past, that, without the strongest efforts of Great Britain, we and all our allies must be undone; but that we have still reason to hope that the power of Great Britain, added to that of her allies, before they are destroyed, may defeat these mighty projects, and with the blessing of God upon our arms, convert that ruin she has designed for others, in some degree, upon her own head. The attempt undoubtedly is great, hazardous, and difficult; but it is glorious, it is just; it is all, I think, that in our present circumstances we have left to do; and I must frankly speak my sentiments, (though, perhaps, very many on both sides the House, struck with the danger and the difficulty of the undertaking, differ from me, because they know not how to face so bold and sad a truth) that to lay down our arms, before we have done even more than to obtain a peace, by putting the affairs of Europe once again upon the same footing on which they stood, when France first made this perfidious attack upon the House of Austria, will be but to protract our fate, to give France time to recover her losses, and enable her to seize some other conjuncture, when it may be utterly impossible to make head against her. I consider this as our only opportunity; and if we slight that Providence which has so critically and so remarkably assisted us to make this stand, I do firmly believe, it is the last that will be ever offered to us again. I could suggest very many reasons, from the circumstances and the interests of the different powers of Europe, in support of this opinion: but this would carry me too far.

I shall only add one word more. I think those gentlemen, who almost at any time, in this country, oppose the administration in the prosecution of a war, act with greater zeal than judgment. For though I am no minister, (and I have seen enough of the fickle humour of this nation, never to desire to be one;) yet common sense has taught me so much of the sentiments all ministers must entertain in such a state as this, as to be thoroughly convinced, and it is confirmed by the experience of all our history, that they meet, and must meet with so many difficulties in the prosecution of vigorous measures, that your danger is entirely on the other hand: not that they will follow any war too long, but that they will close too eagerly with any offer of peace. That I therefore may not be instrumental either in compelling the administration to take this step, or in urging them by any distress to fall into that weakness, which they are naturally exposed to, by their stations; and farther, that I may, as far as in me lies, deprive them of all excuse for yielding to that infirmity; for these reasons, and I am conscious of no other motives, I have concurred, and shall concur with them, not only in this, but in every other vote and measure, that may tend to the vigorous prosecution of this just and necessary war.

The Resolutions were all agreed to.

*Debate in the Commons on the Estimate for maintaining the Hanoverian Troops.**] January 19. Mr. Francis Fane reported to the House the following Resolution of the Committee of Supply, viz. "That the sum of 393,773*l.* 6*s.* 1*d.* be granted to his majesty, for defraying the charge of 5,513 horse, and 10,755 foot, of the troops of Hanover (together with the general officers and the train of artillery) in the pay of Great Britain, from December 26, 1743, to December 25, 1744, both inclusive." Which Resolution being read a second time, and a motion being made, and the question being proposed, that the House do agree with the committee in the said Resolution, a debate arose thereon.†

* From the London Magazine.

† The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

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Sir *William Yonge:*

Sir; whether the Hanover troops ought to be continued in the pay of Great Britain for the ensuing year, is a question, whose merits have already been fully canvassed in the House, upon the famous motion made soon after the beginning of this session, for addressing his majesty to dismiss them. As gentlemen have, I must suppose, the same sentiments in a committee that they had in the House; and

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The great affair of the Hanover Troops was debated in the Committee of Supply on Wednesday the 18th of January. As it was a day of much expectation, both parties had been equally diligent and successful in drawing together their whole strength, and the numbers present, which amounted exactly to 500, sufficiently make appear how few absented themselves on either side. The point in question was a very nice one,—might be considered in various lights,—seemed to be attended with inconveniences, whichever way it was decided, and had created as great a heat and ferment without doors, as ever any did. All this may easily account for the various incidents that arose in the House whilst it was under consideration.

Speakers in the First Day's Debate.

1. Sir W. Yonge moved, that 393,773*l.* should be granted for the next year's pay of 16,000 Hanoverians.

For.	*Against.*
3. H. Walpole, jun.	2. Sir J. St. Aubin.
6. Col. Conway.	4. Lord Barrington.
8. J. Cornwallis.	5. Ad. Vernon.
10. Col. Cholmondeley.	7. Mr. Powlet.
	9. Sir Ed. Turner.
13. Mr. Pelham, to order.	11. Mr. Cook.
	12. Mr. Stanley.
14. Sir Cha. Wyndham, to order.	15. G. Grenville, to order.
16. Winnington, to order.	18. Stanley, again.
	20. Lord Strange.
17. Mr. Onslow, to order.	22. Mr. Poney.
	23. Sir T. Glyn.
19. H. Walpole, sen.	25. H. Campbel.
21. Mr. Bathurst.	27. Lyttleton.
24. H. Legg.	29. G. Grenville.
26. H. Fox.	31. Waller.
28. Lord Cornbury.	32. Mr. Pitt.
30. Mr. Pelham.	34. Mr. Pitt.
33. Gen. Wade.	40. Sir J. Cotton.
35. Col. Douglas.	
36. Ld. Cha. Haye.	Division.
37. Sir H. Lyddel.	Ayes ... 271
38. Gen. Oglethorpe.	Noes ... 226
39. Mr. Whichcote.	Majority ... 45

Young Mr. Walpole's speech met with deserved applause from every body: it was judicious and elegant. He applied this verse which Lucan puts in Curio's mouth to Cæsar, to the king,—

Livor edax fibi cuncta negat, Gallosque subactos
Vix impune feres.——

Col. *Conway*'s speaking for the question was matter of surprize to those who knew in what manner he had treated it in his private conversation: He allowed there were inconveniences in taking these forces again, but they were overbalanced by much greater, which would attend the turning them off:—his performance was a handsome one.

The inconsiderate warmth of Stanley, who charged the king (by name) with having shewed a notorious partiality to his electoral troops, occasioned such a disorder in the House, that for a few minutes, it could be compared to nothing but a tumultuous Polish Diet, and no one can tell how much further the resemblance might have been carried, had not the Speaker interposed his authority very seasonably and properly, and calmed the House into some degree of quietness.

Horace Walpole, sen. enlarged better than any body upon the impossibility of hiring troops in time from other princes, and the consequences which the rejecting these would have upon our allies, particularly the Dutch: He thought such a precipitate step at this juncture would go near to dissolve the alliances, as it would be expressive of a want of union and mutual confidence between the king and his parliament. He run over all the countries which might be supposed in a condition to supply us with men, as Denmark, Saxony, Cologne, the Swiss, and shewed that there lay very strong objections against all of them: and touched upon what he took to be the real ground of clamour against these troops, (viz. the king's personal behaviour) which he said if the ministers would represent the consequences of truly and plainly in a certain place, a remedy for it might easily be found out,—as easy as holding different language and manner at a levee or a drawing room. He said, if, for want of sufficient strength abroad, the queen of Hungary was oppressed by France, and obliged to make a separate peace, England would be left alone, exposed to the resentments of that formidable power, whose views we had opposed, and we might see the war translated from the continent to this island.

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as that question was carried in the negative by a great majority, I must likewise suppose, that a majority of this committee are for continuing them in British pay for the ensuing year; consequently, I think, I need not say much in recommendation of the motion I am to make, which is to enable his majesty to defray that charge, by granting such a sum for that purpose, as appears, from the estimate referred to you, to be necessary.

But as some gentlemen are now here,

I can recollect little of what Mr. *Pelham* said: in general he asserted this to be a British measure, that the consequences would shew, that as the quarrel concerned England alone, and not Hanover, her interests only would be considered either in carrying on the war, or concluding a peace. He allowed that nothing could be so mean or dishonourable in any minister, as flattering the private passions and views of his master, at the expence of the national interest; but he thought any gentleman who was influenced by popular discontent to vote against a measure fundamentally right, through fear of a name, acted, if not so dishonest, yet a more contemptible part than the former.

Mr. *Pitt* spoke rather to raise the passions, than convince the judgments of his hearers, which he is too apt to do, though in that way I never heard any body finer. As specimens of the indignities that had been put upon the British troops, he produced two facts, which he dressed up with all the force of language, viz. that the Hanover guards did duty upon the king at Aschaffenburg, and that his majesty, through the whole campaign, lay on the left of the army, covered by his electoral troops; but what was said by two officers* in the House (which others have confirmed to me) entirely took off the impression of these pretended partialities. When the king came to Aschaffenburg, the British guards lay three miles off, with a defile between them and the town, so that the Hanoverians mounted in their stead for a day and half, till they exchanged their quarters, and others could be marched out near the royal person. As to the second fact, it was no more than this; his majesty was always lodged in the best house that could be found within the circuit of the camp: It happened that accommodation was generally to be met with on the left where the Hanoverians lay, (though instances were mentioned of its being on the right, and in the centre) but even in the first case, the brigade of English footguards covered the king's quarters, and did duty upon him.

Mr. *Whichcote*, who often votes against the court, declared he was summoned out of the country to be against this measure, but after hearing the arguments on both sides, he thought it a very necessary one, and should give his affirmative to it.

Sir *H. Lyddell* likewise said, he came down to the House quite undetermined, and was convinced by the debate to vote for it.

Gen. *Wade*'s declaration, that he looked upon the bringing the two corps to act together in a good harmony, as the least difficulty which he had reason to apprehend, seemed (and very justly) to have great weight with the House.

I must do that justice to lord Cornbury and Hume Campbell, as to say, that their speeches on the opposite sides of the question were two of the best which the debate afforded. As I did not take notes, I shall not pretend to give any farther account of them than by pointing out the principal topics on which they insisted. The one seemed to think that the completing the great work on the continent was an object we ought to attend to, till it was completed, and not suffer ourselves to be diverted, by jealousies about Hanover, which were not of half the consequence, and that he would leave it to posterity to determine whether he who consulted the future interest of the people, or their present inclinations, was most an Englishman, and in the mean time appeal to France for the prudence of this measure.

The other endeavoured to prove that the Dutch, English, and Austrian forces in the Low Countries were able to form an army numerous enough for any practicable purpose, without the addition of the Hanoverians, who were so universally disliked. He professed his attachment, from principle, to the royal family, and was proud of being descended from those who had so early and so strongly exerted themselves in favour of the Protestant Succession.

* Col. Douglas, and lord Charles Haye. Pitt as usual fell foul of lord Carteret, called him a Hanover troop minister; that they were his party, his placemen, that he had conquered the cabinet by their means, and after being very lavish of his abuse, wished he was in the House, that he might give him more of it.

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who were not present at the former debate; and as some others may have forgot what was then urged with so much success, I shall beg leave to recapitulate some of the chief arguments for shewing the necessity of our keeping those troops in our pay for the ensuing year. With regard to the warlike affairs of Europe, Sir, every one knows, that there are at present two different wars carrying on; in one of which we are engaged as principals against Spain, and in the other as auxi-

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The majority was larger than from the talk without doors, there was reason to expect; according to the common reckoning, 25 or 30 was the utmost that the court could depend upon. Lord Orford* certainly took great pains to bring all his friends into the measure, which before he came to town, the ministers seemed to have dropt all thoughts of reviving, and to be looking out for other expedients in its room: two there were very natural and very solid: one upon a supposition that these troops were to be taken again into our pay either that the king should not go abroad, or that the English and the Hanoverians should act in separate bodies.

The affair was resumed the next day, upon the report from the committee, with equal warmth. The Solicitor's performance was a masterpiece. I shall insert some hasty minutes, which however will give the reader some imperfect idea of it.

Solicitor General. Extremely pleased that the question was debated a second time; if fundamentally right must gain upon enquiry,—if wrong the opposition it had met with must gather strength, and the arguments urged against it receive confirmation. True point not stated by the opposers; represented as a competition between England and Hanover, and from thence the necessity of a separation of the electoral from the regal dominions inferred (viz. by Pitt and Lyttleton the day before): though the king and parliament should be inclined to it, the diet of the empire might be unwilling to give their consent; appeals to gentlemen whether right to throw out an object unattainable;—afraid to think where their reasoning would carry us: should keep to the

* His personal credit with his friends, was the main reason that the question was so well disposed of; he never laboured any point during his own administration with more zeal, and at a dinner at Hanbury Williams's had a meeting with such of the old court party as were thought most averse to concurring in this measure, where he took great pains to convince them of the necessity there was for repeating it, notwithstanding what had happened during the last campaign.

Act of Succession; the limitations in that act sufficiently prevent any real hurt from resulting to Great Britain by those dominions being united in one person. It was then considered that the richest and most powerful country could never be a province to the lesser, that any trifling predilection must be only temporary, and die with the present generation. The electorate of Hanover not concerned in the quarrel; its separate interests clearly lie the other way. Great Britain's most valuable concerns depend on the issue of it. The nation loudly called for the vigorous support of the House of Austria, &c. Would you, if the dominions were not connected, dismiss in effect 22,000 men without knowing where to replace them* (which nobody has yet pretended to say): the only argument he has heard that concludes against the question, is that the force we have already on the continent is sufficient without them; can by no means think so from the great preparations France is making, who seems disposed to take an active part in Italy, on the Rhine, in the Netherlands, whenever she sees an opportunity. Gentlemen who call out for the object, have not distinguished between the end proposed by carrying on this war and the plan of operations:—the former plain and obvious—to perform our guaranty of the Pragmatic Sanction;—the latter must depend upon the conduct of the enemy, and is not a proper subject of debate for this assembly. If France means only to sit still (as some insinuate) and keep on the defensive, would she continue a heavy subsidy to the emperor, to enable him to form a body of troops, and lay on such burdens upon her own subjects?—too nice an experiment at such a juncture to reduce part of our strength: what signifies only garrisoning the great towns in the Netherlands, unless you have an army to relieve them, if France should think fit to attack the barrier? The error that crown laments

* Pitt asked in the first day's debate, whether it was possible that in Germany, that great market of men, other troops were not always to be had, and whether lately a certain German prince had not offered to furnish us with some.

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liaries to the queen of Hungary, against the emperor, France, and Spain. In the former, the point we have in view is, to have the freedom of our navigation in the American seas re-established, and in the latter the point we have in view is, to have the balance of power in Europe re-established upon some solid foundation. Of these two points, the first is particular to ourselves, the last we have in common with most of the other potentates of Europe; but what should make the last

is, that she did not exert herself at first to the utmost, before we had time to recover out of our surprise. Considers the particular objections to the Hanoverian troops drawn from their misbehaviour, and the instances given of an undue preference. Nothing suggested to prove their want of courage: they did their duty by keeping their post in the day of battle; two regiments on the right of the front line stood the fire with great intrepidity. The disobedience to British orders proceeded from a young subaltern ignorant of his duty. Lord Stair thought it too trifling a matter to complain of, and did not recollect it when he came to England, till put in mind of it, by his aid-de-camp. Would you for this disband them if the two dominions were separated? Of the instances produced of partiality, the one remedied in 36 hours, the other the effect of chance; and it is incontrovertible that the king's quarters, wherever they were situated, were covered by the English guards. Little quarrels amongst the soldiery unavoidable in confederate armies: are such grievances not to be remedied by care and discipline? Has any officer of rank told you, that the troops were incompatible: has not, on the contrary, the hon. person who is to command them assured you it was the least of his apprehensions? Why, then, what is the question reduced to? That the voice of the people is against complying with it. They are indeed against what is not the thing, the submitting England to Hanover, but not against supporting the common cause, and checking the ambition of France by keeping these troops in pay another year. Do they understand or feel military punctilios? they should be set right in their notions, the parliament's not giving way to these discontents by rejecting this proposition, the likeliest way to make them subside. Do not let us refuse to take that benefit from Hanover, which we should be glad to receive was it under another prince.

Mr. *Pitt.* Not all the sophistry of the hon. gentleman shall make him recede from the true point in debate, which is not at all affected by any one of his arguments. The question not now whether support the queen of Hungary, or whether we shall keep up a sufficient strength on the continent to oppose France: but whether, after what has passed, these troops ought to be employed in our service: has many facts in his hand, more in his knowledge, that point out the source from whence these waters of bitterness have flowed. Impossible that the troops under consideration can answer any of the purposes of that necessity so pompously exaggerated. Hanover councils and Hanover troops have lamed all our operations from the beginning. What else prevented the following Maillebois in his march to Prague? What else prevented the pursuit of the French in the battle—or the attacking them immediately after;—when we were joined by 12,000 fresh men, and the enemy so dispirited that the soldiers did not return to their colours in two days. Will it be said the Austrians opposed it? General Neipery told somebody who charged him with it, "it is no fault of mine, mais cette proposition n'est pas du gout de votre cour." Can say something as to the bad behaviour of this corps: the regiment in the front was in a wood where they never gave or received a fire:—two battalions ordered to form in the first line fell back, and retired to the second; general Ilton was an idle spectator of the combat from a hill, refused to comply with the pressing instances of a noble duke to march down, for want of a guide;—no sooner had the French given way, than a guide was found, and he began to move, but made a sudden halt in the middle of his march, on the sight of a small body of Austrians whom he mistook for the enemy.—A return made soon after the action of not more than fourscore men missing out of the whole 16,000, a full proof how small a share they had in it. Censures a doctrine he had heard advanced, that the king might follow the advice of one velt marshall as well as another; calls it monstrous and unconstitutional, because it takes away the controul and enquiry of parliament: has a contempt for the abilities as well as honesty of any minister in this country who will not endeavour to gain the confidence of the people; their

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equally dear to us is, that without accomplishing the last, we can never pretend to accomplish the first, or indeed, to provide sufficiently for our own preservation, as an independent nation.

Whether the balance of power can be securely settled upon a confederacy, is a point, Sir, that I need not enter into the discussion of, because it has always, and upon all sides, been acknowledged, that it may be more securely settled upon the single power of the House of Austria, and

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sense about any point was never more strongly or universally declared than against taking these troops. When can a ministry think of giving way to their wishes and entreaties if not in so strong an instance as this? The passing the question will be to erect a triumphal arch to Hanover over the military honour and independance of Great Britain.

General *Onslow*, who commanded on the right, got up and assured the House that there was not a Hanoverian posted in the wood, but at the end of the front line, where they did their duty mighty well; and as to the other story of the four battalions he never heard of it, till within this quarter of an hour.

This drew up *Pitt* again, who pledged his honour to the House, that if they would permit him, he would bring evidence to the bar in support of his assertions, and threw it out, whether for that purpose it might not be proper to adjourn the consideration of these Estimates, till they had enquired into the truth of those facts which had been alleged against the Hanover troops*.

The Debate, however, went on for some time upon the general footing, till Doddington improved Pitt's hint into a regular motion of adjournment till Monday next, and was seconded, (if I mistake not) by sir John Cotton. This produced a new turn in the debate; many who had voted the night before with the minority, being, out of moderation and respect to the great person struck at, against an enquiry. What Mr. Pelham said on this occasion carried great weight with it, and was very judiciously and artfully enforced.

Mr. *Chancellor of the Exchequer*.* Did not intend speaking to the main question to day, drawn up by the importance of the new one; wants words and art both to disguise and to express his meaning; will use the expression of a noble person in another place, who has all that correctness which he wants, and speak not to your ears but discernment. Though, it is generally true in this House that ministers are answerable, yet this is a question of that peculiar kind, it can only point in one place. It is to enquire into whose conduct, whose partiality, whose weakness? The chief measure has been sufficiently spoken to, several convinced in the debate to vote for it. Appeals to the breasts of gentlemen whether there ever was a question of so much importance debated in parliament on which less ministerial influence has been used; will observe this maxim invariably: will add from a very high authority, in relation to the Hanover guards waiting upon the king at Aschaffenburg, that they complained of their long duty there as a grievance, by no means considered it as a privilege. No man more concerned at general Clayton's death than himself. Knew him intimately; has heard that officer could never extend an equal front to the French. Is it prudent to enquire into all these things? No man can say certainly what may come out; perhaps some troops to which every body wishes well may appear to have been guilty of negligencies, of misconduct, over which he would chuse to draw a veil. For his own part, will ever oppose any step that may let the House into a train of dangerous proceedings, and debase the dignity of the crown, or of him who wears it. Has served the king ever since he was capable of serving; has learnt his duty to this royal family ever since he was capable of speaking; and though he doubts not enquiry would clear up matters, and bring them out as every honest man believes and wishes, yet what an extensive precedent will you have set to succeeding generations?

Other gentlemen who opposed the troops, spoke against any enquiry, as Mr. Noel, Digby, Southwell, Bowes, and Mellish. I thought once Pitt was disposed to give it up, but Doddington and the Tories would not come into it, and some said, nothing personal was intended, but

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* I do not precisely recollect whether it was in this debate or the first, that Mr. Pitt wished, for the interest of the amiable part of the administration, they would give up so odious a point, which, (if carried) would do them no service in the nation, and only tend to advance another's power in the closet.

* From my Brother's Notes. [The hon. Charles Yorke.]

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preserving, as near as possible, an equality between the power of that House, and the power of the House of Bourbon; therefore, it is the interest of this nation, and of all those who are resolved not to be made dependent upon France, to prevent the queen of Hungary's being obliged to yield up any part of the dominions she remains possessed of, either to the emperor or Spain. Whether the present be a proper conjuncture for procuring her an equivalent from France, for what she has been obliged to yield to Prussia and others, is a question which I shall not pretend to determine; but this I may peremptorily assert, that it would be the interest of this nation, and of all those who are concerned for the preservation of a balance of power in Europe, to procure her that equivalent, if it were possible; and supposing that the present is not a proper conjuncture for that attempt, yet if France will continue the war, till she obtains what she calls a satisfaction to the emperor for his pretensions upon the Austrian succession, or a satisfaction to the court of Spain, for their pretensions upon the Austrian dominions in Italy: I say, if France insists upon this, the war must be continued, and the fate of war may make it proper enough for us to engage in that attempt, though it may not appear to be proper for us at present; for, if the arms of the queen of Hungary and her allies should be as successful for two years to come, as they have been for two years past, the procuring her such an equivalent would, I am persuaded, become not only possible, but to all human appearance very practicable; therefore, it would then become reasonable for us to engage in such an enterprize.

But, Sir, whatever grounds there may be for such hopes, and even supposing them without the least foundation, yet it is absolutely necessary for us to continue our endeavours for supporting the queen of Hungary, till we can procure her such a treaty of peace, as may secure her in the possession of all her present dominions, especially in Italy: I say, Sir, especially in Italy; because the security of her dominions there, and the preventing Spain from getting any share of them, more particularly concerns this nation at present, than any of those who are, or ought to be, allies to that princess. We are now engaged as principals in a war with Spain: would it not be inconsistent with our honour, to allow our declared enemy to gain any advantage of our most sincere and most useful friend? Besides its being inconsistent with our honour, it would be inconsistent with our interest; for if the Spaniards should be able, by the assistance of France, to compel the queen of Hungary and king of Sardinia to submit to such terms of peace as they should prescribe, how would it be possible for us to compel that haughty nation to grant us a free navigation in the American seas, or in any other part of the world?

It will be granted, I believe, by every gentleman that hears me, that it would be ridiculous in us to think of forcing the court of Spain to submit to reasonable terms of peace with us, by making an invasion upon Old Spain, and carrying the war into that country; and experience has taught us how difficult and dangerous it is to attempt any expedition by land against their territories in America. Therefore, if the court of Spain, by the assistance of

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that the House should be satisfied whether the instances given of misbehaviour in the Hanover troops, not partiality towards them, were really grounded upon fact, or the offspring of popular clamour.

The Division was 266 Noes, against 148 Ayes.

There was none at all upon the main question about agreeing with the committee.

After two such long days which came together, there was no material debate in the House till the Wednesday following, when Mr. Waller moved for all the Papers, Memorials, &c. relating to the Treaty of Worms, either antecedent or subsequent to the conclusion of it. I happened accidentally to be absent, and therefore can say nothing as to the progress of the debate.

Mr. Pitt as usual levelled his speech at lord Carteret,* said he wanted only to obtain the sight of a convention tacked to this treaty which that audacious hand had signed, to have sufficient matter to ground an impeachment upon, and that the noble lord who had the custody of the seal, refused to set it to that convention, as knowing he should be liable to be called to account by parliament if he did it.

The Division was 207 Noes, against 145 Yeas.

* The reason of Pitt's particular acrimony against this noble lord is supposed to arise from the superior interest which the other hath gained at Leicester House over his friend Lyttleton and himself.

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France, should accomplish their aim in Italy, it would be impossible for us ever to obtain any equitable terms of peace from that court. The war between us could be carried on no where but by sea; and though we might now and then intercept a galleon or register ship, yet they would generally, by means of their privateers, navigated by French as well as Spaniards, be able to balance accounts with us once a year; and the interruption our commerce must thereby meet with, would at last entirely ruin the trade of this nation, and establish that of our rivals the French; so that in the main we are such sufferers by the continuance of the war, that instead of prescribing, as we may do by a successful support of the queen of Hungary, we should at last be obliged to receive terms from the court of Spain, and should be forced to give up not only the freedom of our navigation, but perhaps some of the most valuable of our settlements in the West Indies.

Every gentleman must from thence see, Sir, that we are bound to support the queen of Hungary with all our strength, and in the best manner we can, not only upon the general account, and for the sake of preserving a balance of power in Europe, but also upon our own particular account, and for the sake of preventing our being obliged to submit to such terms of peace as the court of Spain shall please to prescribe. Upon both these accounts we are bound, I say, to support the queen of Hungary in the best method we can; and as the method we have pursued has hitherto been attended with great success, I hope no gentleman will be for altering it. The method I mean, Sir, is to support her with our navy wherever it can be made useful, to grant her such a sum of money yearly as we can conveniently spare, and to keep as numerous an army as we can form, either in Flanders or upon the Rhine, in order to give a diversion to the French arms, and to prevent their being able to send such reinforcements to the emperor in Germany, as might enable him to compel the queen of Hungary to submit to his terms; or such reinforcements to the Spaniards in Savoy as might enable them to compel the king of Sardinia to grant them a free passage through his territories into Italy.

That our land army has hitherto produced both these good effects, I think is evident from the present posture of affairs in Europe; and that our sending troops to Flanders, and forming an army there, has been the chief cause of these effects, has been confessed by the French ministers themselves, if we can believe to be genuine what has been published in our common news-papers. I mean the memorial delivered by the French ministers to the prince of Campo Florido, the Spanish minister at Paris, in answer to one he had delivered to that court in August 1742, wherein he insisted upon their sending the promised succours to the Spaniards in Savoy; for in that answer, the French court plainly and expressly acknowledge their inability to do so, and ascribe that inability to our sending over such numbers of troops to Flanders, which obliged them to keep such a great part of their army within the kingdom, that they were not able to send sufficient supplies to Germany, or any succours to the Spaniards in Savoy.

From this answer of the court of France, which I have good reason to believe to be genuine, it is evident, I think, Sir, that our land army upon the continent has already been of great service to the common cause, and consequently that it may still be of the same service; therefore it ought certainly to be continued without any diminution, which cannot be done, unless we keep the Hanoverians in our pay; for if they should be dismissed, we cannot replace them by hiring an equal number of foreign troops from any potentate in Europe, because such of them as are not engaged against us, are so much afraid of some attack upon their own territories, that they will not part with any of their troops.

Besides, Sir, if we could have an equal number of troops from any other foreign prince or state, the concluding of a treaty for that purpose, would require so much time, that they could not march from their own country time enough to join our army the beginning of next campaign; and therefore, if we are resolved to exert ourselves in the most proper manner for the support of the queen of Hungary; if we are resolved to prevent its being in the power of Spain to prescribe terms of peace to us; if we have a mind to preserve the freedom of our navigation, and our most valuable settlements in the West Indies; if we have a mind to preserve a balance of power in Europe, and thereby prevent this nation, as well as the rest of Europe, from being brought under a slavish dependency upon France: I say, if all

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these, or any one of these, be our fixed resolution, it is, in my opinion, absolutely necessary for us to continue the Hanoverian troops in our pay during the ensuing year; and as I cannot doubt of this House's being unalterably determined as to every one of these points, I shall add no more, but conclude with moving, "That it is the opinion of this committee, that the sum of," &c. (as before.)

Sir *John St. Aubyn*:

Sir; I was present at the former debate upon this subject, and I not only remember the arguments made use of in favour of that motion, but also the arguments made use of against it; therefore, I am surprized to hear the hon. gentleman talk with such assurance of his expectations, that this committee will approve of the motion he now makes, because the motion then made was rejected by a majority of the House, which he called a great majority, though I cannot join with him in that opinion, no more than I can do in many others; for in such a full House I do not think that a majority of fifty ought to be called a great majority.

I shall admit, Sir, that the necessity of keeping the Hanoverians in our pay was at that time strenuously debated; for when gentlemen desired the House to agree to an Address of advice to his majesty, it was incumbent upon them to shew that the advice was right; and consequently they were obliged to shew, that it was far from being necessary for us to keep the Hanoverians any longer in British pay, which they did to my full conviction; but this was not the only point upon which the debate turned at that time. Every gentleman who was present must remember, that almost every one of the gentlemen who spoke against that motion insisted upon it, that the Address proposed would be a direct attack upon one of the chief prerogatives of the crown; and therefore several gentlemen declared against agreeing to the Address, though at the same time they were so free as to declare, that they were far from being determined as to the necessity of our continuing the Hanoverians any longer in British pay; for which reason they expressly reserved to themselves the liberty of opposing it, when the question came properly before them in the Committee of Supply. This, I say, Sir, was declared to be the way of thinking, as to some of those who spoke as well as voted against the Address then proposed; and from thence it is to be supposed, that many of those, who did not speak, but voted against that Address, were of the same way of thinking; consequently from what happened at that time, the hon. gentleman has no reason to be so sanguine in his expectations as to the motion he has now made to us.

The necessity of our keeping the Hanoverian troops in British pay, and the service they may be of to the common cause, must now again, Sir, come under our consideration; and as the hon. gentleman, by way of introduction to his motion, was pleased to repeat some of the arguments that had been before made use of, for shewing the usefulness of those troops, and the necessity we are under to maintain them, I shall beg leave to repeat, by way of answer, some of the arguments that were before made use of for shewing the contrary. Whether the balance of power in Europe may be most securely settled upon a confederacy, or upon the single power of the House of Austria, is not the question now before us; because if that House had retained not only all the dominions the late emperor died possessed of, but also the imperial dignity, it could not have been by itself alone an equal match for the House of Bourbon; and consequently, even in that case, a confederacy would have been necessary for the preservation of the balance of power. Therefore, with respect to the balance of power, the only question that can come before us now is, how the balance would stand, upon the supposition of the queen of Hungary's being established in the possession of all the hereditary countries she still retains, and the emperor restored to the possession of all the countries that hereditarily belong to him; this is the question, Sir; and upon this question, it is my sincere opinion, that the balance of power would be in no danger. The House of Austria would still remain in possession of dominions more extensive and powerful than what belonged to it in 1702, when that confederacy was formed which stript the duke of Bavaria of every thing that belonged to him, and brought the House of Bourbon to the utmost degree of distress. The imperial dignity, when accompanied with a prevailing influence upon the diet of the empire, is, I grant, of great consequence; but this we cannot suppose that the present emperor will ever attain to; and if he should, we cannot suppose he would make use of it for rendering suc-

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cessful any of the ambitious views of France; for if he did, he would soon lose his influence; and, notwithstanding his being emperor, might become a sacrifice to his own folly. Therefore, while France entertains the same moderate views it seems to have at present, the balance of power can be in no danger; and if ever that ambitious spirit should begin to prevail at the court of France, which prevailed in the reign of Lewis the 14th, it would, upon the supposition I have made, be as easy to form a sufficient confederacy against it, as it was in the year 1702; and I must observe, that the confederacy then formed might in a very few years have secured the balance of power, and put an end to that expensive war, if we had not afterwards formed the romantic project of giving a new king to the Spaniards whether they would or no.

Now, Sir, if the balance of power could have been secured, by establishing the queen of Hungary in the possession of those hereditary dominions she is still mistress of, and restoring the emperor to his own hereditary dominions; and if France and the emperor were willing, in the summer 1742, to agree to these terms, as the preliminaries towards a general peace, I should be glad to know, what we have been since fighting for, (or I should rather say, spending our money; for of fighting we have had very little, and should have had none at all, if we had not been attacked:) for nothing, Sir, so far as I can comprehend, but either to get some bishopric added to Hanover, or to furnish our ministers with a pretence for taking, and keeping, 16,000 Hanoverian troops in British pay. That both France and the emperor were then willing to agree to these terms, we had often repeated in our public gazettes; and from a declaration delivered by the court of France, in September 1742, to the marquis de Stainville, the Great Duke's minister at Paris, which was published in our news-papers, we may be convinced of it; for in that declaration, the French court offer to restore Bohemia entire to the queen of Hungary, and to recall M. Maillebois, on the single condition, that the queen should restore Bavaria to the emperor, and evacuate Passau. Nay, farther, it appears from that declaration, that the court of Vienna were once willing to accept of these terms, but, as was hinted in some other news-papers, were diverted from it by the solicitations and high promises of a certain court, meaning that of Great Britain. I beg pardon, Sir, for arguing from common news-papers, but as our ministers will not furnish us with any other lights, I must argue, and must judge from such as I have.

I know, Sir, it will be said, that nothing was offered with regard to Italy; but I must observe, that these were offered as preliminaries only to a general peace. The French court, in the declaration I have mentioned, said, they could answer for it, that the emperor would agree to what they proposed; but very probably they could not answer for the court of Spain; and therefore they were so fair, as not to offer any thing with regard to Italy; though, I am convinced, that if these terms had been accepted, and the tranquillity of Germany thereby restored, the French court would not have been such fools, as to join with the court of Spain in carrying on a war in Italy; and without the assistance of France, the Spaniards might in one campaign have been drove out of Italy and Savoy, by the king of Sardinia and the queen of Hungary, without any assistance from this nation, or from any other power in Europe. But suppose the French court had resolved to give Spain their utmost assistance against the queen of Hungary and king of Sardinia, if the former had been secured upon the side of Germany, by a treaty with the emperor, and upon the side of Flanders, by the Dutch neutrality; she, and the king of Sardinia, with the assistance of such subsidies as we might easily have spared, if we had not taken it into our heads to form a land army; I say, the queen of Hungary, and king of Sardinia might, in this case, have brought at least 150,000 men into Piedmont, more than they have there at present; and such a number of good troops properly disposed of in that country, where there are so many difficult passes, would have made it impossible for an army of 500,000 men to force their way into Italy; and suppose they had, they could not have subsisted, after they had got thither; for it would have been impossible to supply them by land with provisions, especially for their horses; and it would have been still more impossible to supply them by sea, had we made the queen of Hungary mistress of the Mediterranean, by means of our navy.

From these considerations it is evident, Sir, that the re-establishment, or security of the balance of power, was not the true

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cause of our instigating the court of Vienna to refuse the terms offered by the French in the summer 1742, which as I have reason to believe, were again offered last summer, and offered with very material additions. What then was the cause? Had we then formed a scheme for enabling the queen of Hungary to make conquests upon France? If we had, it was a very ridiculous one. We could not hope, that even the fate of war could render it reasonable. The fate of war may ruin this nation, as well as the House of Austria; but in the present circumstances of Europe, we cannot hope, that even the fate of war can render such a scheme successful; for if the fate of war should declare very much in our favour, it would only produce a new confederacy amongst the princes of Germany, whose jealousy of the House of Austria would make them join with France and Spain, for pulling down, or, at least, for preventing any increase of power in the House of Austria.

The enabling the queen of Hungary to make conquests upon France, could not therefore be the true reason, why our ministers persuaded her to reject the offers made by France, in the year 1742. They could have no reason, but that of furnishing themselves with a pretence for taking the Hanoverian troops into British pay. Perhaps, the success of the queen of Hungary's arms has since given them hopes of being able to procure some other advantages for the electorate of Hanover; but, I can see no reason, why this nation should be at any expence, or run any risk, upon that account; and I am sure, no real friend to our present royal family will advise it.

I must confess, Sir, the hon. gentleman has found out a very new, and a most ingenious reason, for our encouraging the queen of Hungary to continue the war: he says, we have no other way for compelling the Spaniards to come to any reasonable terms of peace with us. I am glad to find, Sir, that the hon. genman and his friends have not entirely forgot our being at war with Spain; but I should likewise be glad to know, how we can, by this means, bring Spain to agree to reasonable terms of peace with us? We may, by promising the queen of Hungary more than we are able to perform, encourage her to continue the war; but, I believe, our ministers, with all their rhetoric, will hardly be able to persuade her to give up any part of her Italian dominions to Don Philip, upon condition of Spain's coming to reasonable terms of peace with us; and I can see no other way of inducing Spain, by her means, to come to any peace with us, unless we should prevail with her to attack Don Carlos, in order to drive him out of his new kingdom, which would probably bring new enemies upon her back as well as ours, and might induce the king of Sardinia to declare against her. But suppose she should succeed: if she had once got possession of the two Sicilies, can we suppose she would yield them up again, on the single condition of Spain's agreeing to reasonable terms of peace with us? Suppose then the Spaniards were drove quite out of Italy, could we then, by the queen of Hungary's means, compel them to submit to reasonable terms with us; or in order to induce them to it, must we change sides, and declare against the queen of Hungary? For unless we should do so, they might for ever continue the war against this nation, if what the hon. gentleman says be true, that we have no other way of compelling them: but thank God, Sir, we have several other ways. I shall not say that we ought to think of making any conquests in Old Spain; but we might make such frequent, and such formidable incursions, and so harass both the people and armies of Spain, that that court would soon find themselves obliged, by the clamours of their own people, to submit to reasonable terms of peace with us; and I must here observe, that by employing our troops in this manner, we should have done much more service both to the queen of Hungary and ourselves, than by sending them to Flanders; but then our ministers could have had no pretence for taking Hanoverian troops into British pay, which was what they regarded more than the service either of the queen of Hungary or their native country.

The hon. gentleman says, we know by experience how difficult and dangerous it is to make any attempt against the Spanish settlements in America. Sir, are we to form any judgment from our late ridiculous and ill-concerted expedition? An expedition, which was provided neither with troops, provisions, artillery, nor officers that were proper for the purpose: an expedition, that was sent to a place, where, of all others, our men were in the greatest danger from the climate; in short, an expedition that, I believe, was designed, by those that sent it out, to miscarry. Sir,

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instead of forming a judgment from that expedition, I am convinced, that by an expedition wisely concerted, properly provided, and directed to proper places in the Spanish West-Indies, we may at any time force the court of Spain to submit to reasonable terms of peace. And as to the future prosecution of the war at sea, we are not to judge of it from our late conduct; for when our ministers say, it is the merchants war, and therefore they ought to suffer by it, we cannot wonder at the great success the Spanish privateers have met with; nor can we wonder at the Spaniards having got so many register ships home; when it has from many instances appeared, that our ministers had no intelligence as to their squadrons, and much less as to their register ships.

I hope, Sir, I have now fully shewn, that we can have no English reason for continuing the war, or for advising the queen of Hungary to continue the war, and if we have no English reason for continuing the war, surely we can have no reason for continuing to give English money for Hanover troops. But it may be said, that those troops must be continued in our pay till peace be actually concluded. Sir, I have two reasons, which I think pretty substantial, even against this. The one is, that our ministers will never, I believe, consent to the queen of Hungary's accepting of any terms of peace, as long as they are allowed to keep Hanover troops in British pay; and the other is, that I am fully convinced, that our land army, more especially these troops, have never been, nor can be, of any service to the queen of Hungary; therefore the keeping them in our pay can have no such effect upon the court of France, as to induce them to offer better terms, or sooner, than they would otherwise do. On the contrary, I believe, our dismissing them, and calling home our own troops, would have a very great effect for both these purposes; because the court of France would from thence suppose, that we had resolved for the future to take the best and most effectual way for supporting the queen of Hungary, which is, by our money and our navy.

I was really surprised, Sir, how the hon. gentleman could be so weak as to make use of any memorial drawn up and published by the court of France, for proving that our land army was of service to the common cause, by disabling France from sending proper reinforcements to their army in Germany, or to the Spaniards in Italy. If they had sincerely thought so, they would not have said so, at least they would have guarded against its being published; but as they knew the contrary, they said so, and published what they said, in order to encourage us to spend our money in maintaining an useless army upon their frontier, instead of sending that money to the queen of Hungary and king of Sardinia, for enabling them to increase their armies, which, the French knew, might be of great use, and would be made the best use of for preventing the execution of their designs.

This, Sir, our ministers could not but see as well as the French; for from the estimates it appears, that our land army has, and will cost us above a million sterling yearly. If this money had been sent to the queen of Hungary and king of Sardinia, it would have enabled them to add 50, or 60,000 men to their armies, and this would have been more than a counterbalance for all the reinforcements the French could have sent either to Germany or Savoy; for though they might, and did easily assemble a body of 40, or 50,000 men to face our army upon their own frontier, they could not have sent near that number into Germany or Savoy, because they could not leave their country quite destitute of troops. Common sense must therefore instruct us, in what was the design of the court of France, when they drew up and published that memorial; and besides, it contradicts itself; for it says, the troops designed for the assistance of the Spaniards were actually quartered in Dauphiny and Provence, which border upon Savoy, from whence they might have marched to oppose any attack in Flanders, with as much ease, and in as short a time, as they could have marched from the provinces in which they were quartered. But that memorial hints at the true reason why no French troops marched to the assistance of the Spaniards: It says, the alliance between Hungary and Sardinia was then so slightly cemented, that it might be easily dissolved. This, Sir, was the true reason, I really believe; for the French had no inclination to break with the king of Sardinia, as long as they had any hopes of gaining him by fair means; but as those hopes seem now to be cut off by the famous treaty of Worms, we shall next year see, whether our army in Flanders will prevent the French from joining with the Spaniards in an attack

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upon his Sardinian majesty's territories.—But now suppose, Sir, that our land army could be of some service; yet, in order to keep up that army, I do not think it necessary for us to keep the Hanoverians in pay. The court of Hanover are certainly in the right to take our money as long as we are willing to give it; but if we should put a stop to our generosity, they have, I hope, the common cause and the interest of the queen of Hungary so much at heart, that they would keep their troops in the army at their own expence; consequently, if the court of Hanover be such friends to the queen of Hungary as they pretend, the allied army can be no way lessened by our dismissing their troops out of our pay; and if their friendship for the queen of Hungary be pretended, only in order to entitle them to have their troops maintained by us, I am afraid, we have laid out, and shall lay out our money in that way to very little purpose; for if the elector of Hanover be indifferent about the support of the queen of Hungary, I much fear, that the king of England will not be very sanguine; in which case it is not to be expected, that our land army will do much service either to that princess or the common cause; therefore, I should be for dismissing these Hanover troops, if it were for no other reason but to try the sincerity of the court of Hanover, and consequently I must be against the motion.

Mr. *Vere Powlett*:

Sir; having voted last year for taking 16,000 Hanoverians into British pay, I beg leave to offer my reasons why I cannot agree with the hon. gentleman, who has made the like motion this year; though the case of Hanoverian troops, this year, is so widely different from what it was the last, that the distinction cannot fail occurring to every gentleman in this House. In the last year, there were no such instances of Hanoverian pusillanimity, insolence, and disobedience, which are now so glaring in the eyes of the whole world: We have now, in an affair of the last importance to this country, greater, perhaps, than ever came before this House, experience for our guide, and shall we go contrary to experience itself, to experience, which teaches even fools? Shall we take troops into our pay, who want personal courage; who are sure to be wanting to their duty in the day of battle; and who, instead of being an assistance, will betray us into misfortunes, by disappointing us of that strength, which we vainly rely on, by disordering our army, instead of supporting it? But, Sir, should this motion pass in the affirmative, what a damp, what dejection of spirit, must it cast on our men, when they find themselves forced by their own countrymen, by this House of Commons, to bow their neck to the Hanoverian yoke, and to submit to those grievances, which they have so loudly complained of? The only colour of pretence, which I have heard alleged, is this, that it is now too late to hire other troops; but will the ministry, who pretend it is too late to hire other troops, pretend too, that they were the only persons in the world, unacquainted with the behaviour of the Hanoverians, during the last campaign? If they cannot pretend this too, as well as that it is too late, what do they other than acknowledge, that they impose a necessity, which they might have prevented, and premeditatedly force a wrong measure on the nation? But this supposed necessity, from the lateness of the time, is absolutely false, is a fundamental mistake; for it is always too early to engage in a wrong measure; Nor can any thing be so terrible to an enemy as good management, which, though slow in its execution, is always more certain in its effects. A dissolute, hasty conduct on our part, is what the foe must wish to see. Good God! What joy will it give the enemy, when that important piece of news is carried to them abroad, that it is the resolution of a British House of Commons to take confusion into their army!

Sir, we have invited here the electors of Hanover with great rewards, we have given them kingdoms to rule over; but, I hope, sensible as I am of the great benefits which have arisen from their good government; I hope, I say, we shall never be so passionately fond of Hanoverians, as never to rest satisfied, never contented, till we have hired their whole people to be lords over us.

Mr. *Horatio Walpole*:

Sir; the question is, Whether the 16,000 Hanoverians should be employed in our service abroad the next campaign; or, in other words, whether we should furnish 16,000 men less; and, in consequence of that, have 22,000 men less for the support of the common cause, than we had last year?

If we consider the situation of affairs with respect to the motives of the war, and the success of it, it must be owned,

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without canvassing whether more might not have been done, than was done last year, that the affairs of the queen of Hungary, by the operations of the campaign, are in a better, and a more hopeful state, than the most sanguine desires or expectations could have promised at the opening of it. Prague, Egra, and all her dominions, have not only been cleared of the enemy, but the emperor himself, the principal aggressor, has been driven out of his own territories, and the French, in a great measure, out of the empire; and although the active part of these advantages is owing to the conduct of prince Charles of Lorrain, and the courage of his troops under his command, yet the allied army having kept marshal Noailles in *echec*, and prevented his making any detachment in support of Broglio and count Seckendorff, to which he was most earnestly solicited, joined with the glorious battle of Dettingen, must be confessed to have greatly contributed to the success of the Austrians, on the other side of the Rhine, and have obliged the French to retire into their own country: Add to this, the advantage that may be expected from the activity of the king of Sardinia, by the alliance lately concluded between him, his majesty, and the queen of Hungary.

This situation requires, therefore, instead of a diminution, rather an increase of our forces, in order to make the utmost efforts to finish the great work, that is happily advanced so far; and to oblige the emperor, and his allies, to come to a general pacification on reasonable terms, to which, at present, they seem not at all disposed: on the contrary, if we may judge by outward appearances, France is making greater preparations than ever, both by sea and land; and has, it is said, concluded a new offensive and defensive alliance with Spain and the emperor; by virtue of which, besides a great augmentation of her own armies on the continent, she has engaged to enable the emperor, by subsidies, to put his scattered troops in a condition to act, who is accordingly taking the proper measures for that purpose; she is also to furnish a considerable number of men and ships to support Don Philip, in renewing his enterprizes against the king of Sardinia. The late cardinal's pacific, half paced genius, balancing between peace and war, is buried with him; and the ancient spirit of domineering has resumed the reins of government in France; consequently, the least abatement of our zeal and force, in support of the common cause, must prove, at this juncture, of the most dangerous consequence; and that must be the case, should we refuse to continue the 16,000 men any longer in our service; for it is impossible to show, as will be made appear by and by, that the same number of troops, to supply that defect, can be had, in time, any where else; or that that defect can be made good by any other means.

But it is pretended that the Hanoverian troops can be of no use, because those of Great Britain are so incensed against them, that it is impossible they should ever act together again.

Now, to imagine that the service of foreign troops in the pay of Great Britain, should be incompatible with the service of the troops of the nation that pays them, seems at first to be very extraordinary, and, indeed, an absurd supposition, contrary to the experience of the two last long wars, which, if that had been the case, could never have been carried on so many years by the allies. Where an army is composed of troops of different nations, some incidents, in the variety of services and motions, must frequently happen, relating to quarters, forage, and even from jealousies in the services to be performed, which may cause disputes among so many various corps; but it is not to be doubted, but that if the officers will do their duty, their prudence and authority may easily remove or reconcile such disputes, so as to prevent them from being carried to such a height, as may obstruct their acting together amicably and earnestly against the common enemy; and, indeed, the instances alleged of the animosities between the Britons and Hanoverians, as soldiers, seem to be of the same nature with what frequently happened in the last wars, among the troops of different nations, but did by no means prevent their acting together; and are such as may be easily obviated by proper care and regulations, concerted and settled by the general officers, before the opening of the campaign.

But since the clamour is so loud, the impression so general, and, indeed, so violent, against the Hanoverian troops, as to affect many persons zealously attached to the interest of this government, the motives, whether well or ill founded, must arise from something more than what is usually incidental to the service of troops of different nations; they cannot possibly proceed from disputes about quarters,

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forage, &c. nor from the ignorance or impertinence of an inferior Hanoverian officer, refusing to obey an English general, without orders from a general of his own nation. These disputes are certainly such as may easily be prevented, and could never have occasioned so general an outcry: we must therefore look for some other cause, in order to judge and determine upon a proper remedy. Burnet, in his history, 1691, takes notice of a general uneasiness against king William, "arising," as he expresses it, "from a prejudice, as if that prince was thought to love the Dutch more than the English, to trust more to them, and to admit them to more freedom with him; a general disgust" he says, "was spread among the English officers, and the nobility—the earl of Marlborough thought his great services were not acknowledged nor rewarded, and began to speak like a man discontented, and the strain of the whole nation was, that the English were overlooked, and the Dutch were the only people favoured or trusted—this was national—and the English being too apt to despise other nations, and being of more lively tempers than the Dutch, began to express a contempt and an aversion for them, that went almost to a mutiny;—these seeds of discontent were carefully managed by the enemies of the government, and by that means matters went on heavily in the House of Commons."

Let us then suppose, that something of this kind may have happened last year in the army; that some civil and military officers of this nation, of considerable quality and station, may have thought themselves slighted or neglected, by a preferable confidence, trust, and regard shewn to some of another country, in all respects their ineriors; this, indeed, must have been shocking and disagreeable; may have made them complain to their friends, and these complaints may have spread among the subaltern officers, and being diffused among the common soldiers, may have occasioned a national resentment in favour of their own countrymen, against those that may have had that preference; and transmitted hither with certain aggravating circamstances, may have had a very bad effect upon the people, to the disadvantage of the government. If this has been the case, it is, indeed, to be extremely lamented, and much to be wished that nothing of this kind had happened; for personal slights have often been the cause of public disasters: a disregard at a levee of the earl of Essex, is thought to have been one of the first occasions of king Charles the first's misfortunes.

But can it be justifiable in a parliament, though sensibly affected, and concerned for this supposed distinction, and the consequences of it, to blend their counsels so much with it, as to carry things to extremities, and to endanger the common cause, for which such extraordinary efforts, attended with such unexpected successes, have been made? God forbid! that a disregard of one or two, or more, particular men, though ever so considerable in themselves, should be of that consequence, and have such an influence on this great assembly, as to make them take a step, that would, as will be proved by and by, dissolve the alliance at once, expose the balance of Europe, and consequently the safety of this nation, to the will of a most formidable power; especially, when the causes of this great fermentation and clamour may be removed, the very nature of them shows how obvious the remedy is. Personal cure for personal disgust, from whence the popular outcry is derived, is certainly easy: but, if they who appear so anxious to remove the disaffection, and the fatal consequences which they apprehend from it, would be as attentive to think of expedients, surely more than one might occur, so solid and so substantial, as would at once eradicate those unfortunate jealousies and animosities between two nations under the government of one prince, without having recourse to such violent ones, as would immediately redound to the disadvantage of the public, distress and destroy irretrievably that cause which we are so greatly engaged to support, and render, at one stroke, all the other supplies, which have been hitherto so heartily granted, useless and insignificant, as will be evident from the following considerations.

For, it is impossible, that 16,000 Hanoverians can be replaced, by taking any other troops in their stead. None can be had from the elector of Saxony, because, it seems, by a treaty he has lately made with the queen of Hungary, he declares, that he cannot act against the emperor, France, or Spain; but suppose his hands are free, we cannot possibly rely upon the troops of a prince who is so nearly related to Don Carlos. The Danes could never be able to furnish above 12,000 men, and

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were they disposed to do it, that crown is at present in so doubtful a situation, between peace and war, with respect to Sweden, that it is impossible to depend upon having any troops there, time enough for the next campaign. A negociation with the Swiss Cantons for troops, considering the pains that France would certainly take to obstruct it, and the particular capitulations usually contained in their treaties, would take up more time, than the season of the year will allow. As to some of the little princes in Germany, a sufficient number, to supply the loss of the Hanoverians, cannot be had from them; for it is certain, that the Dutch have already endeavoured, to no purpose, to hire seven regiments to complete their troops. And, as to what is suggested of supplying the queen of Hungary with money, in proportion to the pay of the Hanoverians, it is impossible, that any such sum granted this year, for that end, can be of any service to procure a sufficient body of disciplined troops, to be in a condition to act this campaign; besides, experience gives us too much reason to apprehend, that part of the sums of money granted to them, will be squandered away to other uses than the service of the war; so that, turn it all ways, it is evident, that the army of the allies must be 16,000 and perhaps 22,000 less than they were last year; which difference will, probably, considering the preparations that are making by France, give that crown a superiority in the empire; or if she continues upon the defensive there, enable her to send such a detachment, as may, in conjunction with the Spaniards, be too powerful for the king of Sardinia, and force him to a separate peace; this must be the unavoidable consequence of such a measure, supposing the allies should still continue, after such a diminution of the army, in a disposition to act together.

But nothing is more certain, than that it would be an immediate dissolution of the alliance.

Would the Dutch, who have been encouraged, from the great efforts made by this nation to support this cause, to give their assistance, who will make the sentiments and resolutions of this House a rule and measure for their actions, and now wait in expectation of our proceedings to govern their own; will they, when they see such a diminution of forces on our part, at a time when the preparations of France call for an increase rather than a diminution, continue to pursue any vigorous resolution? It is impossible to imagine it; and the plausible motives given here for laying aside the Hanoverians, will be the principal cause to intimidate and dishearten them. The states of Holland have, contrary to the fundamental rule of their government, of not acting without an unanimity in matters relative to peace and war, with great conduct and management, induced the States General, by a majority, to give 20,000 men to the assistance of the queen of Hungary, which has been obtained, not without great struggle against a most vigilant and industrious opposition, crying out loudly against the violation of their constitution, and against the danger of exposing themselves, and their frontiers, to the resentment of a most formidable power in their neighbourhood; and should the parliament discharge 16,000 men, and that purely for reasons, that by the nature of them must personally reflect upon his majesty, such a diminution of our forces, by such a disgrace, and, as it will certainly be construed abroad, such an affront to the king; such a distrust and division between the king and this House, upon whose union the support and success of this great cause chiefly depends, will throw such a damp and discouragement upon the spirits of the well-intentioned in Holland, and so animate the opposition, as to enable them to obstruct the activity of the States, and precipitate a negociation for peace on any terms; this, every body knows, that knows any thing of that government, must be the inevitable consequence of this extraordinary step; for nobody abroad will imagine, that the service of Britons and Hanoverians together is incompatible, if the officers will do their duty; and all that influence, respect, and regard, which was shown by all the neighbouring powers in Germany, on account of the noble and formidable army of the allies, furnished in a great measure by this country, will at once be lost; a diffidence and dispiritedness in the Dutch will certainly affect other powers, that are at present either neuter, or seemingly inclined to us. Will any one promise, that we can depend upon the 6,000 Hessians, which came very loath and very late last year to the field; and whose prince, although nearly related to this crown, has given too many marks of his good will towards the elector of Bavaria, in opposition to the queen of Hungary? Will any one answer, that another prince, that has 130,000 men at his command, and although engaged at present to observe a

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neutrality, yet being by no means personally well affected to us; will any one, I say, answer, that that prince, when he sees such a diminution of our forces, and such a want of harmony between the king and his parliament, and the consequences of it, will not, under pretence of preserving the peace of the empire, act a part that will make it impossible for the allies to continue their successes against the enemy of the House of Austria, especially if the coldness between the courts of Vienna and Russia, on account of general Botta, should continue?

In short, nothing can be more evident, than that, by the discharge of the Hanoverians, there will be an immediate dissolution of alliance; and the consequences of it must as inevitably be the giving France such a superiority, as to put it in her power to impose what terms of peace she pleases upon the queen of Hungary; who being abandoned, must afterwards leave her allies to the mercy of that crown: the consequence of which must be, that when the peace upon the continent is made by the directions and influence of France, exclusive of England, that power, sensible of the opposition made to her by this nation, and out of resentment for the trouble and obstructions to her views, will soon take an opportunity to deliver to us a long list of pretended provocations, and require an extraordinary satisfaction, to which we must submit in a shameful manner, like a province to her, or run the hazard of a war with France and Spain, without the prospect of the least support from any ally whatsoever; and so the war will be translated from the continent to this island, which will become a scene of blood and confusion.

Lord *Strange:*

Sir: there is one question very material in this debate, which I should be glad to have answered and fully explained before I give my vote upon the motion now under our consideration: and as no gentleman is more capable than the hon. gentleman that spoke last, I hope, he will rise up again and give us his opinion. The question, I mean is, whether the alliance in which we are engaged with the queen of Hungary be an offensive, or only a defensive alliance? As the hon. gentleman has had great experience in negociation and treaty-making, and, I believe, has had some hand in every treaty we have made for above twenty years past, I think I cannot apply to a more able and learned doctor for an answer to my question; and my reason for asking the question is this: if we be engaged in an offensive alliance with the queen of Hungary, it may be proper to assist her with troops: but if our alliance with her be only defensive, it would be ridiculous in us to think of assisting her with troops, unless we had reason to believe, that an attack was to be made upon her in Flanders. Are we, Sir, to send our troops into Bohemia or Bavaria? The very thought would be ridiculous; especially, if we consider, that she cannot be in want of men, and men too bred up from their infancy to war. Her Croats, Pandours, Lycanians, Hussars, and other troops with hard names, and constitutions as hard as their names, are all bred up upon the borders of Turkey, and accustomed to arms from their infancy.—They may not, perhaps, know how to dance through all the ceremonies of a review, so well as our Hanoverians; but if I were, with 16,000 of them, to engage our 16,000 Hanoverians, I should think myself in no great danger of a defeat, even though the latter were provided with their artillery, which did so much execution at the glorious battle of Dettingen; for, I believe, I should soon turn their cannon upon them, as it probably would have been at Dettingen, had there been none there but Hanoverians to defend it.

Suppose, Sir, the attack were to be made upon the queen of Hungary's dominions in Swabia, would it not be ridiculous in us to think of assisting her with our own troops, or even with our mercenary Hanoverians, when her own troops are nearer, and may with much more ease and safety march to the place of action, than either our own troops or our mercenaries? And lastly, suppose the attack were to be made upon her dominions in Italy, would not the case be the very same? Would it not be more proper for us to assist her with money, in order to enable her to augment her own armies, than to send any troops to her assistance; especially when we consider, that she can raise and maintain at least 20,000 of her own men, for the same sum of money that we must pay for raising and maintaining 16,000, either of our own, or of any foreign troops we can hire?

But suppose, Sir, the queen of Hungary neither had nor could raise troops enough within her own dominions, and that therefore it was absolutely necessary for us to assist her with troops; as all her domi-

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nions except Flanders, are vastly remote from us, and from Hanover as well as Britain, surely we ought not to have thought of sending any British or Hanoverian troops to her assistance, since she was secure against any attack in Flanders. I say, Sir, we ought not to have thought of sending any British or Hanoverian troops, if we had found it possible to get any other; and whatever the friends, I shall not say, tools of Hanover may pretend, I will not believe, that it was impossible for us not to find any other. The king of Prussia had promised us a neutrality, but he had by the treaty of Breslau promised nothing to France or the emperor; and his promise to us could not surely be a bar to his lending us a body of his troops, or even to his declaring in our favour; therefore, I believe, we might have had, and may still have as many troops as we please to hire from him; nay, I do not know, but the same sum of money we have paid to Hanover, might have engaged him to declare openly in our favour. The elector of Saxony has declared against lending his troops for attacking France, Spain, or the emperor; but he has never declared against lending his troops for defending the queen of Hungary in Germany. There are many little princes in the empire who have troops to lend; and though no one of them could have furnished us with such a number as we wanted, yet all together could have lent us more than we stood in need of; and we should have had this advantage, that we might thereby have made ourselves masters of one of the colleges of the diet of the empire, I mean the college of princes. The Hessians never did, nor will scruple to serve us, as long as we keep upon the defensive; but, I believe, they will leave us, as soon as we begin to think of an offensive war. And as to the Swiss, I do not find, that any application has been made to them, or any one reason offered, why we could not have had as many troops from them as we pleased; and their troops, I must observe, lay extremely convenient for marching to the assistance of the queen of Hungary, either in Germany or Italy.

For these reasons, Sir, let our ministers say what they will upon this head, I will not believe them, unless they shew me authentic proofs of their having in vain applied for other troops, before they thought of taking any Hanoverians. As gentlemen, they may, perhaps, have as great a regard for truth as other men; but as ministers, they neither can, nor ought at all times to tell the truth; and I the less believe what they say upon this head, because, if they did apply to other princes for troops, and were refused, they must have in their hands authentic proofs of such application and refusal, and would have exhibited them in their own vindication: nay, they ought not only to have exhibited them to this House, but to have published them to the nation; for if the people had been satisfied, that we could find no other troops to hire, instead of exclaiming against Hanover, as they now do in every corner of the kingdom, they would have been every where expressing their gratitude to that electorate, for running the risk of disobliging France, by lending us its troops, when no other prince or state in Europe would venture to do us the favour.

Thus, Sir, we must believe, that our ministers assert politically what is not true in fact, or that they have been deficient in their duty both to themselves and their sovereign; and as I incline to judge charitably even of ministers, I must believe the former. I must believe, that we might have had, and may still have as many troops as we please to hire, either from the Swiss, or some of the German princes, if we design no other assistance for the queen of Hungary than merely to enable her to act upon the defensive. Indeed, if we engage with her in an offensive war; if we design to enable her to make conquests upon France or in Italy, I believe, no prince or state in Europe, except Hanover, will lend us their troops, because there seems not to be among them, at present, the least jealousy of the designs of France; and several of them seem to be a little jealous, lest the liberties of Germany should be overturned by the power of the House of Austria. Nay, I am convinced, that however fond the Hanoverians may be of English money, they would not lend us their troops, with a real design to assist in the execution of such a scheme, unless they have something else in view, besides getting our money. But I hope, Sir, we are not engaged in such a scheme; for in the present conjuncture, I think it absolutely impracticable. This would be to engage with the queen of Hungary in an offensive war; and I know of no treaty that obliges us to do so. I am sure, no such treaty, so far as I can comprehend, has as yet been laid before this House; but as I am unexperienced in these affairs,

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I hope, the learned gentleman who spoke last, will rise up and inform me; however, I must previously declare, that if there be any such private treaty, or any such engagement couched under the general words of any public treaty, instead of binding the nation down, by the authority of parliament, to the performance of it, I should be for treating the treaty-maker as bad treaty makers used to be treated of old: I should be for declaring the nation free from the engagement, and sending the treaty-makers to the queen of Hungary, that she might punish them after what manner she pleased for deceiving her.

Now, Sir, if we are not engaged to assist the queen of Hungary in an offensive war; if we ought not to authorise such an engagement by any parliamentary act, I hope, our ministers have no thoughts of any thing but to assist her to defend herself. If this be their sole design, supposing it necessary to assist her with troops, our ministers may get troops to hire, that by their situation, and upon several other accounts, are more proper for the service than either British or Hanoverians. Prussians or Saxons may in a few days march into her dominions, the Swiss may in a few weeks; and though it is late in the year, though our ministers have, I believe, on purpose, put off bringing this motion before us, yet we have still time enough to negociate a treaty for the hire of other troops, and to conclude that treaty soon enough for the troops to march, so as to be ready and in the proper place of action by the opening of the campaign. As the articles of such treaties are but few, and all of them fixt by precedent, we cannot doubt of being able to conclude such a treaty, even with the Swiss cantons, in a few days, when we have such an able and experienced negociator amongst us as the hon. gentleman who spoke last.

But, Sir, as I am convinced of the truth of what I said at first: as I am convinced, that if the queen of Hungary had money enough, she could raise men enough within her own dominions, for her defence against the most numerous armies that can be brought against her, as long as she thinks of nothing but a defensive war, I am for calling home our troops, dismissing the Hanoverians, and sending the money, or a great part of the money they cost us, to the queen of Hungary, and the king of Sardinia; for, I am sure, neither of them has ever yet given the least ground for the insinuation thrown out by the hon. gentleman, that great part of the money might be applied by them to other purposes. If the money, or any part of it, were to be applied to our service, or to a common cause, in which they had no particular concern, there might, perhaps, be some reason to think so; but when the whole is to be applied to their own immediate defence, if neither of them had ever given any proofs of a prudent conduct, it would be natural and reasonable to think, that the whole would be applied, by them, to the best use, and with the utmost œconomy.

In a defensive war, therefore, we must conclude, that our money and our navy will be sufficient for enabling the queen of Hungary, and king of Sardinia, to defend themselves against all the armies that France, Spain, and the emperor can attack them with; and while they continue upon the defensive, neither of them has any other enemy to fear; but if they begin to act offensively, they may stir up new enemies, and more than we shall be able to defend them against, even though Hanover should assist us with all its troops, and at its own expence, which is what I shall never expect; for whatever broils that electorate may involve us in for the accomplishment of its own views, I believe it will take care not to involve itself in any upon our account.

I know, Sir, it may be said, that even in a defensive war it may be necessary to attack the enemy, in order to prevent their attacking us; but this can never be the case, where it is vastly difficult for us to attack the enemy, and still more difficult for the enemy to attack us; which is the very case at present. It is extremely difficult for the queen of Hungary to attack France, because of the long way her army must march, the great river it must pass, and the many fortified towns it must besiege and take, before it can make any considerable impression upon that kingdom; but it is still more difficult for the French to attack the queen of Hungary in Bohemia or Bavaria, because of the long march their army must make to come at those countries, the difficulties it would meet with to get subsistence, and the danger it would be in of being totally destroyed, in case of a defeat, by having no place of safety to retreat to; and principally, by reason of the jealousy it might excite in the German princes, if they saw such numerous armies of French marching into

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their country, as would be necessary to make a successful attack upon the queen of Hungary in Bohemia or Bavaria.

In like manner, Sir, it is difficult for the king of Sardinia, though assisted by the queen of Hungary, to make an attack upon France, because of the ruggedness of the French country upon that side, and the many fortified towns by which their frontier is guarded; but it is much more difficult for the French to attack him, because his country is still more rugged, and because of the many insurmountable mountains, and long narrow defiles, their armies must pass through; and when they had, with infinite loss, forced their way through all of them, which would be almost impossible, if the passes were well fortified and guarded by a numerous army: I say, when the French had forced their way through, in order to attack the queen of Hungary's dominions in Italy, it would be impossible for them to subsist their army there, unless they were masters of the Mediterranean, which they can never be, as long as we have such a superior navy.

Does not every one see, Sir, that in these circumstances it is the business both of the queen of Hungary and king of Sardinia to provoke, rather than to make an attack. For what purpose should either of them make an attack upon France? To compel the French and their allies, it is said, to agree to reasonable terms of peace. Sir, they must do so in a short time, if no attack were to be made upon them. I am persuaded, they would do so now, and will do so, if we desire nothing more than to secure the queen of Hungary in the possession of what now properly belongs to her. I have shewn how difficult and dangerous it is for the French to make an attack either upon the queen of Hungary in Bavaria, or the king of Sardinia in Piedmont; yet, difficult and dangerous as these attacks are, the French must make them both, if they are resolved to continue the war. If they do not attack the queen of Hungary in Bavaria, the emperor will think himself abandoned, and will come to an accommodation with the queen of Hungary upon any terms, in order to recover his hereditary countries. On the other hand, if they do not support the Spaniards, and join with them in attacking the king of Sardinia, and after him the queen of Hungary's dominions in Italy, the court of Spain will think itself abandoned, and will come to an accommodation upon any terms, both with us and the queen of Hungary. Nay, both the emperor and Spain may, out of revenge, resolve to join in an offensive alliance against France, if it should be thought proper to form any such alliance.

When I consider these things, Sir, I cannot help wondering, what put it in our wrong heads to send our troops to Flanders, or to form an army in that country. Flanders is, of all others, the place where France may with the greatest ease, and most benefit to itself, nay, and most prejudice to this kingdom, attack the queen of Hungary. It is the country where, of all others, we ought to have been most cautious of provoking an attack. Flanders would have been secured by the Dutch neutrality, if we had formed no army there; but by forming an army there, we furnish the French with an excuse for attacking it, which will be admitted as a good one by, at least, all their friends in Holland; and, after being thus provoked, the conquests they may make there, will not give near so much umbrage to the neutral princes of Europe, as they would have done, had the attack been begun without any provocation.

Our army in Flanders has, therefore, in my opinion, Sir, done much more harm to the common cause, than it ever can do service; whereas, if we had never thought of forming an army there, or of taking any foreign troops into our pay for that purpose, but had sent the money that army has cost us to the queen of Hungary, and king of Sardinia, their armies would by this time have been so numerous, and the strong places and defiles in the country of the latter so well fortified, that the French would have found it impossible for them to think of making a successful attack upon either; and, consequently, would have been glad to have agreed to a peace, upon such terms for their ally the emperor, as even we ourselves must have thought reasonable. And if the queen of Spain had found it impossible for her to accomplish her views upon Italy, by the means of France, and all the hopes that have been given her, thereby disappointed, her resentment would have induced her to agree to the best terms of peace with us, that we could with any shadow of reason insist on.

For this reason, Sir, if France and the emperor have not already offered terms of peace, or such as may serve as preliminaries for treating and concluding a general peace, I am convinced, that the most ef-

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fectual way we can take for inducing both of them to accept or offer such terms, is to put a negative upon this motion, to come immediately to a resolution, to add 5 or 600,000*l.* to the subsidies allowed to the queen of Hungary, and the king of Sardinia; and at the same time to address his majesty, to call home his troops from Flanders. I shall grant, Sir, that to disband our army, in order to obtain a speedy and honourable peace, seems at first view to be a little paradoxical; but when we consider, that our army never did, nor ever can serve for any thing, but to exhaust our treasure, which may be usefully employed another way; that the dismissing of an useless army will very much increase those armies that can alone be useful, and that our army may divert the war from that channel, where it is our interest to have it carried on, and turn it into that channel, where it is the interest of the common enemy to have it carried on: I say, when we consider these things, the paradox disappears, and reason and true policy resume their place.

Thus, Sir, we may see, that our rejecting this motion, and dismissing these Hanoverians, instead of dissolving the alliance, as the hon. gentleman was pleased to call it, though, like the productions of the Nile, it seems to be, as yet, but half-formed: I say, instead of dissolving the alliance, it would cement it, as to every one of the parties concerned. The queen of Hungary, and king of Sardinia, would at first have chose to have had our money rather than our troops, which from the reason of things, I may assert, and have ground to assert from what I have heard, has been dropt by some of their ministers, though their ministers are as cautious in their expressions as possible, because both are certainly willing to take our assistance, in any manner our ministers will please to give it; and if our ministers resolve that Hanover shall be a gainer by any part of the assistance we give, our allies must accept of it in that manner, though they see, that it can be of little or no service to them. It is therefore evident, that this change of measures will cement the alliance between us, and the queen of Hungary, and king of Sardinia; and as to the Dutch, it will not only cement our alliance with them, but unite us in the same measure. The Dutch, Sir, have always been for assisting the queen of Hungary with their good offices, for obtaining reasonable terms of peace, and with their money for supporting the war, till such terms can be obtained. They never thought of assisting her with troops, till our mad schemes made them afraid, lest France should obtain such a signal advantage over us, as might encourage her to enlarge her views, and form designs that might really be of dangerous consequence to the liberties of Europe. The affair of Dettingen gave them the alarm: they were afraid, lest France might again catch our army in such a trap, as they had like to have caught it in, at that place; therefore, they sent a body of their troops to the Upper-Rhine, not to join with us in attacking France, but to prevent the French from attacking our army.

I must not conclude, Sir, without taking some notice of the terrible hobgoblin, the hon. gentleman was pleased to frighten us with: I mean, that of our being engaged in a war with the united power of France and Spain, and without one ally to assist us, by which, he said, the war would be translated from the continent to this island. Sir, from the whole tenor of negociations and treaties, that gentleman was engaged in for twenty years together, I have some reason to think, that he and his friends have but a mean opinion, both of the strength and courage of their country. Thank God! I have a better opinion of both; and, therefore, I have the pleasure to think, that if our marine were put upon a good footing, and the best use made of our navy, we have nothing to fear from both these nations combined together against us. Their land-armies, in which their strength consists, could be of no service to them against this nation, unless they were masters at sea, which they never could be, if we managed right, because we have three times more ships of war already built, and thrice as many seamen as both put together; and I am sure, we can build and refit faster than they can. But of all things I should be glad to know, how they could translate the war to this island? Can they march an army over from Calais to Dover? Can they waft it over in cockle-shells? I am sure, they cannot in ships, at least such an army as would be sufficient for conquering this island; and if any of their troops should be landed by stealth, they must conquer, or be made prisoners of war. The hon. gentleman must therefore, and I wonder he did not, call the Pretender and the jacobites to his aid, in order to make his hobgoblin any way terrible.

In case of such a war, Sir, I will say, it

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would be right in us, not to seek for any ally upon the continent, unless we could form such a confederacy upon the continent, as would be able, with a very little assistance from us, to engage in a land war against France and Spain, with a probable view of success: for a land war, which must be supported almost entirely at our expence, will always do us more harm than good; because it diverts us from prosecuting the war in that manner, which is most natural to us, and which is the only manner of prosecuting a war, by which this nation can expect to reap any advantage for itself in particular.

To conclude, Sir; what we have most to fear, may be brought upon us, by our present method of assisting the queen of Hungary. The danger we have most to fear is, our being left engaged by ourselves alone, in a war against France and Spain, after our treasures have been exhausted, and our public credit sunk, by an unsuccessful land war, to such a degree, as to disable us from fitting out, or keeping our navy at sea. This may really translate the war from the continent to this island; and this may probably be the consequence of our pursuing any longer the scheme we now seem to be engaged in. By our taking a wrong method for assisting the queen of Hungary, both she, and the king of Sardinia, may, at last, be overpowered, and forced to conclude a separate peace, upon any terms France and her allies shall please to prescribe; and this, after we have stretched our public credit to its utmost length, in giving them an useless, but expensive support: can we think, that such an event would not have a fatal effect upon our public credit, when so stretched to its utmost length? Sir, it would certainly ruin it at once, and reduce all our paper-currency to its primitive nothing; so that we should be left engaged in a war, by ourselves alone, against France and Spain, at a time when our government could not, perhaps, raise or borrow 50,000*l.* to fit out a squadron. This, Sir, is no imaginary, it is a real danger, a danger we may very probably be thrown into, if we continue to pursue the same measures; and therefore, to prevent, as far as lies in my power, our being brought into this danger, I shall give my negative to the motion.

A motion was then made, and the question being put, that the debate be adjourned till Monday; it was carried in the negative, by a majority of 266 to 178. Then the said Resolution of the committee was agreed to.

*Debate in the Lords on a Motion for the Secret Articles of the Treaty of Worms.**]

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

January 25. A motion was made by lord Chesterfield, in the House of Lords, for the secret Articles of the Treaty of Worms. He alluded to the story in Puffendorf, vide p. 36, but I was told did not enter into a thorough discussion of the treaty itself. The other Speakers in this Debate, which was not a long one, were lord Carteret, lord Lonsdale, duke of Newcastle, and lord Bath. The first gave the House a particular account of the different rights to Final, that the late emperor's title to it was a bad one, and consequently the Genoese purchase of it, in the style of the civilians, was '*un achat vicieux*;' that the king of Sardinia had a better claim than any other prince, as standing in the place of the House of Caretti, from whom the Genoese usurped it, and he might have obtained that marquisate (besides other large conditions) from Spain and France, with whom he was so near closing, that the courier he dispatched to Worms with his ultimatum, was ordered to proceed to Paris, if it was not immediately complied with; and consequently so useful an ally would have been entirely lost to the common cause. In this exigence (said my lord), I prevailed with the queen of Hungary's minister to make some concessions, at the peril of being disowned by his court, though just after the signing of the treaty, he received instructions, which justified what he had done. My lord likewise added, that he refused to consent to any article, which expressly tied down England to pay the money, and that there was no other stipulation relating to it, than what appeared in print; though he did not declare so plainly, that we were not by a secret article, obliged to assist in putting the king of Sardinia in possession, if the republic of Genoa refused to come amicably into it; but he censured the behaviour of that state, which had in several instances during the war, shewn a partiality to the Spaniards. Lord Bath endeavoured to reconcile his voting against this Address, with his having promoted motions of the like nature, whilst he was in opposition.

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January 25. The Earl of Chesterfield moved, "That an humble Address be presented to his majesty, that he will be graciously pleased to give orders, that there be laid before this House all and every separate articles, acts, declarations, or conventions, belonging or relating to the Treaty concluded between his majesty, the queen of Hungary, and the king of Sardinia, at Worms, on the 2d of September, 1743; and likewise all declarations, conventions, or instruments, signed by his majesty's ministers and the ministers of the queen of Hungary, since the conclusion of, but relative to, the execution of the said Treaty."—The same being objected to; and debate thereupon: the question was put upon the said motion; and it was resolved in the negative.

*Debate in the Lords on an Address for discontinuing the Hanoverian Troops in the Pay of Great Britain.**] January 27. The order of the day being read for taking into consideration the Estimates of the charge of the Hanoverians in the pay of Great Britain,

The Earl of *Sandwich* rose and said:†

My lords; having considered with the utmost degree of attention both the Estimates now before us, and the purposes for which these expences are demanded by the ministry, I find so many objections rising on every side, that I should think myself negligent of that duty which every man owes to his country, and which is particularly incumbent on all those who have the honour of sitting in this illustrious assembly, if I should not communicate them on this occasion. For he that suppresses any sentiments which may be of use to the community, is not much less criminal than he that professes what he does not think; the one indeed betrays his country, the other suffers it to be betrayed, when it is in his power to detect the treachery.

Before we examine the reasonableness of the estimates, it is necessary to consider the purpose to which the sums are to be applied; for if the end is such as ought not to be pursued at any rate, it is useless to enquire whether the cheapest methods are proposed; the scheme ought not to be regulated but rejected: nor are the estimates of any use, otherwise than as monuments of the wisdom of those counsellors who shall preserve the nation by laying them aside.

As these estimates, my lords, shew the charges of the Hanoverian troops, which are proposed to be employed by Great Britain in the ensuing year, it is natural to enquire what services are to be expected from them, and whether the advantages of retaining them in our pay are likely to be equivalent to the pay which they are to receive from us.

In this enquiry, my lords, there is now no place for suspicion which may be formed by prejudice, or for conjectures which are in themselves uncertain, and may be indulged at pleasure, and perhaps

* From the Gentleman's Magazine.

† The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

The attendance at the House of Lords, the 27th of January, in expectation of the Debate on the Hanover Troops, was the largest I ever saw there; but every thing went off upon a point of form; for after lord Sandwich, seconded by lord Hervey, had moved an Address exactly to the same effect, and almost in the same words, with that of the 9th of December, and lord Ilchester had entertained us with a very good set speech against it, Lord Chancellor rose, and informed the House, that it was his duty to put them in mind of the Standing Law and Usage of Parliament, which was, that the same motion should not be revived in the same session, there being a very obvious reason for it, viz. that when either House of Parliament had given their sense upon any question, it might not be in the power of any persons to bring on the same affair again in a thin House, and overturn a solemn Resolution of the majority; therefore, as the contents of this Address did not in the least differ from those of a former, he thought their lordships could not regularly enter into a debate upon it.—Chesterfield supported the motion, by observing, that though the prayer of it was the same with that of the former, the different circumstances of each made sufficient variation in point of form; the one was offered before it was known that the Hanover troops would be asked for; that now under consideration, was proposed after they had been carried in the other House, and some lords (agreeably to their own declarations,) might vote for this Address, who had opposed the former. However, if an alteration was essential, he moved, "that after the 25th of March

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supported with probable arguments by those who maintain either side of the question in debate. We have been, my lords, unhappily enabled to speak from experience of the troops of Hanover, and to to judge, from what they have already performed, of the wonders which may be hereafter expected from them.

The two chief virtues that distinguish a soldier are valour and obedience; of which if either is wanting, he becomes a burthen, instead of a defence, to the community from which he receives his pay. Without valour, he whose whole business it is to encounter dangers, to support fatigue, and to engage the enemy, must apparently be useless: and, without obedience, his valour can only be madness, and not less dangerous to those that hire him, than to those whom he is hired to oppose.

Of the valour of these troops, my lords, I have been able to collect no instance, though I have had frequent opportunities of hearing those who would not have suppressed any accounts which might have contributed to reconcile the nation to them, and therefore am inclined to believe, that none of the boasted advantages of the battle of Dettingen were obtained by our Hanoverian auxiliaries. I never heard, my lords, that more than a single regiment was within reach of danger, and even that was probably hazarded by mistake, or accident, rather than design; for it was posted in a wood. The dangers which were encountered by this regiment were very pompously mentioned, and the loss which it sustained was very ridiculously exaggerated; because the falshood, however it might serve to fill for a moment the mouths of those who thought they could never be sufficiently loud in praise of their confederates, was by its own nature subject to a speedy confutation. It was asserted, my lords, that 800 were destroyed; but when the lists were examined, it appeared that this regiment which was thus fatally exposed, had suffered the loss only of fourscore men.

Thus, my lords, they have given us very little hopes of any uncommon acts of valour; and therefore their obedience, if it could be secured, would be of no great value. But it will be found, if we pursue the examination, that, though they have not exerted much spirit against their enemies, they have set their lawful commanders at defiance: that they have at least shewn a remarkable firmness by obstinate disobedience; and though they have not marched against the French, have endeavoured to manifest their contempt of danger, by disregarding all the punishments which are inflicted by the discipline of armies, upon those who shall violate the orders of the general.

As endeavours were used in a late debate to invalidate this accusation, it may now be proper to repeat it in a manner particular and explicit; for a general charge may be evaded by a general answer. At the late battle, the loudly celebrated battle of Dettingen, four battalions of Hanoverians, who were posted in the rear of the first line, refused to advance against the enemy, though they received positive orders, and though they could be posted there only to support the other troops. Another body, my lords, was posted on a hill, from whence they had the satisfaction of viewing the several re-

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next" might be added to the last paragraph.—This Amendment was, justly enough, treated by the court lords as a mere quibble; and if passed, would put the nation to a useless expence, in paying forces only during the season of inaction. The bringing on the question for a Committee of Enquiry, a second time into the House of Commons, only by altering the term of years from 20 to 10, was likewise urged as a parallel case. They declared they were as willing as the others, that the main question should be thoroughly canvassed, provided it was done in a manner consistent with the known rules of parliament.—Lord Carteret said, he was well acquainted with the heights and depths of this question, and was prepared to debate it at all times: 'Suaviter in modo, sed for-'titer in re.' If other lords were not equally ready, he should not be against granting them a further time to collect all their arguments. This he said, because some lords in the opposition insisted, that if this question was not suffered to be debated, another day should be agreed to, when the estimates for the foreign troops might be considered.—At last, after several warm things had been thrown out from that quarter, lord Sandwich's motion was dropt, and Tuesday next fixed upon by common consent for the final decision of this matter.

They seemed apprehensive, too, from something which Bathurst let fall, lest the court, after rejecting their Address, should move one of approbation, and make an end of the affair that evening.

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volutions of the battle without danger; and they received so much pleasure from their convenient situation, that when they were commanded to come down and share the hazards which they contemplated, they declared, that they did not know the way, and that they could find no guide to direct them; they stood still, therefore, till they saw the retreat of the French, and then found a guide who led them with very little trouble to the field, where there was no employment for them, but that of counting the bodies of the slain.

These, my lords, are instances of such disobedience as was perhaps never unpunished in any army before; such as are seldom to be found in any accounts which have been ever heard of battles or of sieges; and such as could be produced only by a confidence of security, and the knowledge of the value at which their lives were rated in comparison with those of the English. The only example which I can recollect of military disobedience, recorded in ancient history, is that of a body of troops in the army of Fabius, who attacked the enemy without orders, and were punished for an illegal exertion of their courage; a crime surely more pardonable than cowardice, which has yet in our army escaped unpunished.

Such troops, therefore, my lords; troops from whom no service is to be expected; troops, who have already shewn, that they do not consider themselves as obliged to deserve the pay which they receive, can be of no use to any nation; and it is, therefore, unnecessary to enquire at what rate they may be hired: for who would waste time to consider the price of insolence, ignominy, treachery, and ruin?

These terms, my lords, however harsh they may sound to the ears of a courtier, are, in my opinion, such as the conduct of these troops, and of those who propose their continuance, must provoke, from every lover of his country, and such as may be justified by the strictest reason. For, what instance of treachery can be more flagrant, than that of receiving the pay of soldiers, and following those who hire them to the field, and then abandoning them to the enemy, without assistance? What treatment more ignominious can a nation suffer, than the notorious contempt of its own mercenaries? What insolence can be more offensive than defiance of command on a day of battle? or how can a people be more certainly ruined, than by hiring armies which will not serve them?

These troops, my lords, which I will suppose to be hired with good intentions, will only appear to this unhappy nation, like the shirt of Hercules, sent to him as an instance of love, but impregnated with poison, by which he was destroyed.

Of the insolence of these troops on other occasions, many instances have been mentioned, which I shall leave to be recounted by other lords, whose indignation will, doubtless, be sufficiently provoked by the contempt which was thrown upon the British forces, when their monarch was guarded by Hanoverians, and that honour which is due to freemen was transferred to slaves.

Such, my lords, are the troops, of whose pay the estimates are this day before you; troops which we have found, by experience, are not to be trusted, and which, therefore, ought not to be paid; troops which can be of no use to England, because they will not obey orders; and from whom it cannot be expected that they will fight for liberty, because they have no knowledge of the blessing which they are to promote, and to whom it will be of no great importance whether they are the property of one master or of another.

But though they can be of no use to the nation, we are not to imagine, my lords, that they were originally hired, or that they are now proposed to be continued, without a reason. Those troops may support the minister, which may ruin the nation; nor is this the first body of auxiliaries which courtiers have called in to their assistance, when they perceived their interest weak, and began to suspect that they were looked on with less favour than they expected. This expedient has been too frequently countenanced by this House, and methods have been found out, by which votes have been obtained in behalf of treaties, of which none of those that approved them could shew the use. But I hope, my lords, those times of corruption and dependence are now at an end; and that we shall no longer support the minister who betrays us, or lick the feet of the priest who leads us to be sacrificed. I hope, therefore, I shall be favourably heard by this House, when I propose a remedy for these evils; the only remedy which I believe it possible to apply, which indeed has been delayed already too long, but which it is in vain to delay longer, since we must have recourse to it at last, or sink into that ruin and slavery, from which we boast of rescuing

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our neighbours. I move, therefore, "That an humble Address be presented to his majesty, earnestly beseeching his majesty that, in consideration of the jealousies and discontent of his faithful subjects at home, and his British forces abroad, he would be graciously pleased to give orders, that the 16,000 Hanoverians be no longer continued in the pay of Great Britain, being prejudicial to the public service, inconsistent with the true interest of his majesty, and dangerous to the tranquillity and welfare of this nation."

Lord *Hervey:*

My lords; though my youth and inexperience ought perhaps to restrain me from delivering my opinion with much confidence, on a question so important, yet, since the importance of the question is likewise a reason, why no man who has any regard for the honor or prosperity of England should be silent, I hope I shall be excused, if I deliver my sentiments to your lordships, with all the freedom of independence; and that some regard will be had to the honesty of my intentions, though I cannot claim it on any other account.

I shall speak, my lords, with more confidence, because, though the question be without doubt important, I can by no means conceive it difficult. It appears to me, that every man who looks for truth in this enquiry, will certainly find it; and that no man can be perplexed, who does not labour rather to find subterfuges, than to discover reason, and to embarrass his opponents, rather than inform himself.

Nothing, my lords, seems to me more incontrovertibly manifest, than that the interest of Hanover is contrary to that of England; that the Hanoverians will for ever contest with us the favour of our common sovereign, and will generally enjoy it in a degree which the English must not presume to hope, may be reasonably imagined. It may not only be imagined, my lords, from the natural and unavoidable contrariety of interests, and from the jealousies which must always subsist between nations independent of each other, and which have nothing in common, except their prince; but it may be discovered, from the experience which we have had, and the partial favour by which they have been distinguished on many late occasions, nor is it to be hoped, that this kingdom can enjoy the presence, or engage the care of its monarch, till this worthless territory be separated from it.

From the Hanoverian dominions, my lords, it is absolutely impossible, that we should receive either an increase of power or of wealth, or that they should contribute to advance our interest on the continent. All the effects which we shall experience from them, must for ever be such as we have already experienced: we shall always find them burthensome and expensive; and shall every day see our counsels perplexed, and our designs defeated, by an absurd complication of irreconcilable interests: we shall always be afraid of every enemy that can attack these darling, these beloved dominions; and must every day see ourselves obliged to support them with our forces, and enrich them with our treasures.

Of the hateful effects of Hanoverian influence, we have now, my lords, an instance before us; an instance by which it appears, how much it may operate to the detriment of the public. We are this day, my lords, to take into consideration the most unpopular scheme that ever was formed for the ruin of a nation: we are now to continue in our pay, troops which we have already found to be of no use, which will obey no command, and which have not hitherto imagined themselves obliged to share with those that pay them, their hardships, or their distresses, or their dangers; but, in confidence of their interest in the affection of their prince, have, in the most open and shameful manner, insulted the British forces, and claimed, with equal effrontery and stupidity, a superiority over those who supply them with bread, and by whom they are enabled to swell with riot, and to glitter in splendor, which was never before known to the inhabitants of their barren country.

This is surely, my lords, no time for profusion, while we are engaged in war with two of the most powerful nations of the universe; nor do those appear the proper objects of our liberality, whom the enjoyment of sudden affluence only incites to insult their benefactors, and who have, by the most contemptuous and ungrateful insolence, exasperated the nation. If it be, therefore, convenient to hire mercenaries, we ought to hire those who have no pretensions to subtract themselves from the authority of British commanders. If it be still the fate of this nation, to pour her treasures into other countries, let some people at least be chosen, who will own the benefit; and who will not growl at the hand by which they are fed.

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In my opinion, my lords, instead of wasting our time in considering this scheme, we ought to enquire who was its author; for whoever he was, my love of my native country inclines me to hope, that he will not long escape punishment.

It is, however, my lords, at present rather our business to hinder the progress of treachery, than to punish those by whom we have hitherto been betrayed, and to procure the discharge of these hateful troops, rather than enquire by whom they were taken into pay; for this end I think the motion necessary, and therefore second it.

Lord *Ilchester:*

My lords; the question now before us, is of such importance, not only to this nation, but to all the powers of Europe, whose independence is threatened, or whose territories are coveted by the insatiable ambition of the House of Bourbon; that as it requires the most attentive scrutiny, so every man who has endeavoured by diligent enquiries, or unprejudiced application, to understand fully the topics which are now to be discussed, ought to declare the result of his reflections; that all our disputes may be at last terminated by a reasonable, and, if it may yet be hoped, an unanimous decision.

I have diligently attended, my lords, to the several debates which have been produced in this House, by the contract for taking the troops of Hanover into English pay, and after having weighed with the utmost impartiality, whatever has been advanced, can discover no reason which ought to prevail upon your lordships, to comply with any motion like that which is now made.

I need not remind your lordships, that we are now engaged in a war, which will require all the strength that we can hope to assemble; I need not dwell upon the wealth, or the power of our enemies, or display their territories, or number their armies; for it is too well known that their force is such as holds the world in awe, and has more than once threatened the slavery of mankind: nor is it necessary to expatiate upon the importance of the quarrel in which we are engaged; for who is there yet ignorant that the Spaniards have invaded our commerce, and that the French desire to deprive us of our liberties, to make our country one of the provinces of an universal monarchy, and to crush us in the general destruction of the reformed religion?

At such a time, it might be imagined that proposals for increasing our armies would be rather offered, than one for diminishing them; at least that no diminution of our forces should be proposed, but for irresistible reasons; reasons which force conviction, and preclude all possibility of debate.

And yet, my lords, at this critical conjuncture of affairs, in this time of universal danger, we have heard very frequent persuasions to disband a very large body of our troops, and these persuasions have been urged with the most unwearied and importunate obstinacy; but, in my opinion, if they have any weight, it must arise merely from the vehemence with which they have been uttered: for I do not find that any arguments have been produced, that can induce your lordships to agree to so dangerous a proposal.

Whatever has been offered beyond empty declamations, or severe and indecent invectives (which, as they are always easy and obvious, deserve very little regard), is founded upon the disputes that have arisen in the combined army. This, my lords, is the sum of every harangue which this question has produced; with this the charge is begun, and after a few cursory digressions, with this it is concluded: nor has any thing more been urged, if we cull out the substance of the accusation from the heap of words, by which it has been buried, than that there have arisen jealousies and wranglings on many occasions, between the troops of England and those of Hanover.

That such disputes have in reality arisen in this, as in other confederate armies, it is not necessary to deny; because, though all the reports which have been circulated by malice or credulity through the nation should be admitted, of which many might doubtless be confuted, and perhaps many confute themselves by their absurdity and incredibility; yet the consequence which is drawn from them is by no means unavoidable; nor, because there has been some disagreement among our forces, is it to be inferred, that any part of them ought to be disbanded.

Though there has been hitherto not such harmony between our troops and their auxiliaries as might be desired; and rather desired than expected; yet it is not to be supposed that they will be permanent or fatal: part of the jealousy, which naturally arises between strangers, will be dispersed by that familiarity, which the con-

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tinuance of their conjunction must in time produce: and part may be extinguished by an impartial and prudent accommodation of those claims, whatever they are, which have been asserted with so much vehemence on both sides, that perhaps neither can now boast of being entirely in the right.

It is, indeed, objected that the continuance of these troops is contrary to the desire of the whole nation: and that the opinion which universally prevails is, that the English and Hanoverians cannot safely act together; that their feuds have already risen to that height, that they consider each other as the enemies from whom they have most to fear, and whom they would most willingly destroy; and that there is danger lest, in another year, these discontents should be ripened to mutiny, and the camp be filled with slaughter and with bloodshed.

That some regard, my lords, is to be paid to the inclinations of the people, and some respect to be shewn to their opinions, I have no intention to deny; nor should I applaud the prudence of that minister, who should not willingly delay the execution of an unpopular, though beneficial design, till the nation should be free from its prejudices, and be willing to receive argument and evidence without clamour, and without rage. But the scheme ought to be such, as might be delayed without being lost; and the people ought to suffer only a suspension, not a forfeiture of the advantages to be procured by it; for an upright minister is to gratify the inclinations of the people, only for the sake of promoting their interest.

But the opinion, my lords, that these troops cannot safely act together, is not universal: for many of our officers are far from admitting it. I have consulted on this occasion a gentleman distinguished for his military knowledge, and honoured by his majesty with the highest authority, and found him so far from being convinced of the impracticability of an union, that he declared himself persuaded, that all those animosities by which the two bodies had hitherto been agitated would subside, and that another campaign would reconcile them to each other.

There is not, indeed, any reason for which it can be conceived more difficult for Englishmen to agree with the Hanoverians, than with troops with which we may be supplied by any other powers. With regard to any of the faults imputed to the Hanoverians, it is not to be imagined that other nations are exempt from them; any other troops may affect the same privileges and assert their claim with the same arrogance: nor is it probable that they will be either more brave or more obedient.

It has been objected against the Hanoverians, that they are slaves, that they are therefore incapable of fighting with spirit in defence of liberty. This imputation is surely urged rather to gratify an inclination which has lately appeared remarkably predominant, of speaking contemptuously of Hanover and its inhabitants, than with any view of influencing the House; for it is not to be supposed that mercenaries are often very curious to examine the cause in which they are engaged, or that they have any other view than that of maintaining their reputation, and of receiving their pay. But if it be necessary that all those, who are to draw their swords in defence of freedom, should themselves be free, I know not from what happy corner of the earth the loss of these troops can be supplied; for it will not be easy to find any nation, that boasts more freedom than the Hanoverians. Even our confederates the Austrians, whose bravery or steadiness has not been disputed, and who seem animated against the French by an irreconcilable hatred, are not themselves free; yet they have given us no reason to suspect, that the cause of universal liberty will be deserted by them.

One argument at least may be urged against this motion, and that one, if it be candidly considered, will not leave room for any other. We cannot discharge these troops from our pay, unless an equal number can be hired from some other power; and I am confident no prince can be found in this general conflagration of the continent, who will weaken his own dominions by hiring out his troops: nor do I think that any others, if they could be obtained, could with equal safety be trusted. The Hanoverians are united to us by ties which do not subsist with regard to any other people; they have the same prince with ourselves, and therefore cannot desert us. But from any other troops which we may obtain by treaty, we can only hope that they will serve us till better pay, or a change of interest, or gust of caprice shall separate them from us. We live, my lords, in an age which affords us too many examples of the infraction of treaties, in which we see the most sacred stipulations broken not only without justice but with-

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out decency; we can therefore place very little confidence in forces, whose service is not secured to us by something more coercive than the solemnity of oaths or treaties.

For this reason, my lords, I think the motion, which has been made, apparently contrary to the interest of this nation, and evidently injurious to the common cause of liberty which we are now defending: I shall therefore think it my duty to reject it, and hope to find very few of your lordships of a contrary opinion.

Lord *Raymond:*

My lords: as I am fully convinced that compliance with this motion would not only embarrass the designs of our allies, but defeat all the schemes both of our ancestors and ourselves, destroy that plan of liberty which has been so happily formed, and successfully pursued, and throw the world into the hands of the French monarch, I think it necessary to declare my resolution of opposing it.

It is, indeed, not without the utmost degree of surprise that I hear some noble lords, who have appeared hitherto ambitious of being distinguished as the friends and defenders of liberty, assert the necessity of discharging so large a part of the troops which have been raised for its support, at a time when no others can be hired, and when by weakening our army we must inevitably expose ourselves to superior numbers, and either perish in a useless struggle, in which we cannot hope for success, or submit, without the honour of resistance, to an enemy implacable and insolent, and receive such terms as ambition shall be pleased to prescribe to us.

It might with reason be expected, that the noble lords who advise the discharge of the Hanoverians, should instruct us how our army may be recruited, or how we may oppose the armies of the House of Bourbon without troops; for if it be confessed that troops are necessary to success, and that no other troops can be procured, he that advises the discharge of those whom we now retain, whatever reasons he may offer, or however speciously he may defend his opinion, advises only the desertion of our cause, the exaltation of the House of Bourbon, and the slavery of his native country.

Lord Chancellor *Hardwicke:*

My lords; I have no desire on this or any other occasion to suppress evidence or obstruct enquiry; nor have I any reasons to wish that the question now before us, may not be fully and openly deliberated; but it is my duty to take care that your deliberations are carried on according to the methods instituted by your predecessors, and the established orders of this House, and to remark any deviation from them, whenever it shall happen by negligence, or forgetfulness, or zeal. I think it therefore necessary to observe to your lordships, that the question which must ensue the motion now under our consideration, has already been decided in this session, and that it therefore cannot, according to the constitution of this House, be proposed again. That the reasonableness or impropriety of my objection may appear to your lordships, I move that the Journal of the 9th of last month may be read. [The said motion was read as follows: Moved to resolve, "That an humble Address be presented to his majesty, that his majesty will be graciously pleased to give orders that the 16,000 Hanoverians, now in the pay of Great Britain, be no longer continued in the service of this nation, after the twenty-fifth inst. thereby to put a stop to the jealousies and heart-burnings among his majesty's faithful subjects at home, and his British forces abroad." Then lord Hardwicke proceeded.] It will not, I suppose, now be doubted by your lordships, that this question has been already determined, for the matter and almost the words of both motions are the same. In both, the same petition is proposed, in both for the same reason. It was proposed by the first motion to address his majesty, that the 16,000 Hanoverian troops be no longer continued in the service of Great Britain after the 25th day of December, in consideration of the jealousies and heart-burnings of his faithful subjects at home, and his English troops abroad; and it is now proposed that his majesty should be addressed that the same forces should, for the same reason, be no longer in the pay of Great Britain.

Surely, my lords, it is scarcely possible to propose the question twice in terms more nearly the same, without transcribing it; nor can I conceive that any advantage will be taken of the difference of an expression in the two motions, since the sense and tendency of the latter is exactly the same with those of the former.

One of the established rules of parliamentary proceeding is, that no question

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once decided shall be brought into debate again in the same session, and none of all our orders are more necessary to ascertain and expedite our determinations; for if that which is decided on one day may be called in question on the next, or whenever either party shall obtain any casual superiority, what can be expected but perpetual uncertainty and endless confusion? The law which has passed to day, may be repealed before it can be promulgated, all regularity will be destroyed, and the vanquished party will always hope to become conquerors at last, by returning often to the charge.

This rule, my lords, as common sense shows it to be absolutely necessary, has received a sanction from an uninterrupted observation of many ages, and was confirmed by a very remarkable expedient once used by this House to preserve it from violation. Amidst the perplexities and disorders into which the public affairs were thrown, by the fatal artifices of the managers of the South Sea Company, a question having been precipitately determined, was proposed again to the House; but though it appeared necessary to take it again into consideration, this rule was considered as too important to be violated upon any occasion; the king therefore was addressed to prorogue the House for a day, that a new session might give them an opportunity of rectifying their mistake without any infraction of the constitution.

I believe, it will not be imagined that the same expedient is now necessary; but the caution, by which it was suggested, is always to be imitated; nor can we, by any irregularity, introduce more confusion than by permission of questions to be repeated in the same sessions in which they have been decided.

The Earl of *Chesterfield:*

My lords; notwithstanding my veneration for the noble lord who has represented to us the necessity of adhering to the orders of the House, I cannot but declare myself of opinion that this caution is at present unseasonable; and that there is no danger of deviating from established practice, by considering this motion, which appears to me very different from that which has been read from our journals.

If we consider, my lords, the ends proposed by this motion and the former, we shall find them very different. The intent of the former was, that his majesty should be addressed not to engage in certain measures; that of the present is to address him to alter them, though he has engaged in them.

If it be yet doubted whether these motions are sufficiently distinct, it may be observed, that those, who rejected the former, may yet vote for this, without exposing themselves to the charge of inconsistency or variation of principles; and surely, my lords, those motions must be different of which the same person may, without altering his sentiments, disapprove the one and applaud the other.

When the motion, which has now been read to your lordships, was debated in this House, a noble lord observed, that he could not agree to it because it did not appear that it would be of any use, since we could not know that the troops of which we proposed to solicit the discharge, would be retained any longer in our pay; but he declared, that if any new treaty of the same kind should be brought before us, he should not consider himself as precluded from voting against it; since he did not disapprove the motion as unjust, but as unnecessary and premature.

There is now, my lords, another contract for the continuance of these forces, and a motion is now made to your lordships, not to enquire whether it ought to be made, but to censure and annul it. The former motion was for an Address to prevent a future, this to remedy a present evil; which those who now feel it might not have foreseen, and which therefore they may be desirous to shake off, though they would not take any measures to obviate it.

If this motion, my lords, be considered as the same with the former, and therefore rejected without debate, let us examine the amount of the several assertions which we have heard on this occasion. The former motion was rejected because it was made too soon, and this because it is too late; when, my lords, must the time come in which this question is to be debated? We must not endeavour to prevent ill measures, because it is possible that they never may be taken; and when they are taken, we must not attempt to defeat them, because we miscarried in our endeavour to prevent them. Thus, my lords, we are driven from one day to another, and forbidden either to conjecture what is to come, or to review what is past.

It will, I suppose, be answered that we

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shall have an opportunity of debating this subject, when the Bill for appropriating the money granted for the service of the year shall be brought before us; but it must be remembered, my lords, that those debates are almost without choice; for as all the ends for which money is granted, are complicated in one Bill, which must be either wholly passed or wholly rejected, we shall be obliged to allow some expences, however inconvenient, however ignominious, that we may not obstruct others of which the necessity is generally acknowledged; and which cannot be delayed at the end of a session, when there is no longer time for passing a new Bill, without the utmost confusion of our affairs, the disappointment of our allies, the reproach of our counsels and the detriment of the public.

I hope therefore, my lords, this question will now be permitted to be debated, because its importance cannot be denied; and such measures ought not to be taken without the concurrence of this House, which can be obtained only by open and free deliberation.

The Earl of *Cholmondeley:*

My lords; I am fully convinced that the objection made to the present motion by the noble lord, is not to be removed: for, upon comparison of this motion with that which has been just read, I cannot discover how one differs from the other; and as it is the undoubted duty of your lordships, to support the established orders of the House, I must conclude that it will now be rejected as containing a question which has in this session been already decided.

I am, indeed, surprised to hear it asserted, that the question is not the same with the former; because, whoever entertains any doubt concerning it, may easily satisfy himself by examining the two motions, of which not only the intention, but almost every particle of the language is the same.

It is, indeed, observed that they are different, as they respect different periods of time; but even of the truth of this remark I am not convinced; for they appear to me to regard the same time: by the former motion it was proposed, that his majesty should be addressed against continuing these troops in his pay, beyond the 25th day of last month; the 25th of that month is now past, and therefore to request that the troops should be dismissed, is merely to renew the former petition.

I hope, it is not necessary to observe to your lordships, how carefully the rules of our procedure, and particularly this important, this constitutional, this fundamental principle ought to be secured from infraction; for what consequences might not ensue from a precedent by which our posterity should be taught to recall, in the same session, those questions which have already been determined? Thus, when a tax has been laid upon land for the support of the government, a small number may, on some day when no such motion is expected, or when the rest is retired into the country, re-consider the Bill and reject it; perhaps only for the sake of embarrassing the public.

If such precedents be admitted, there is an end at once of public wisdom, and of public credit; for no decision can have any weight, because none can ever be conclusive; and no funds can be appropriated, because they may be immediately annihilated by the sudden prevalence of another party; endless confusion will be let in upon us, and the violation of this single rule must at once abolish our constitution.

The Earl of *Chesterfield:*

My lords; as the noble lords seem to imagine that by taking the motion as it now stands into consideration, we shall violate the essential and immemorial orders of this House, I shall endeavour an amendment, which will remove all scruples, and make the question absolutely different from that which was lately before us.—I propose therefore that after "the pay of Great Britain," be inserted these words, "after the 25th of March next;" which words, as they fix a new term for the dismission of the troops, must be allowed wholly to change the state of the question, and therefore will put it in our power to debate it, without any danger of breaking those rules which the noble lord seems so resolute to preserve from being violated.

The Earl of *Cholmondeley:*

My lords; it is not without some grief and indignation, that I hear a proposal made in this House, so little consistent with its dignity and its peace; a proposal so trifling, in an affair so important, that it seems formed only to expose our proceedings to ridicule, and to show with how little difficulty our orders may be evaded. The change, my lords, which has been proposed, is a change of nothing but sound,

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the real question still continues the same, and has been already decided; nor can it be recalled before another session, without breaking that rule, of which the importance is too obvious to be contested, and to which I am determined to adhere, as to a part of the foundation on which the fabric of our government is built. If such alterations as this can make a motion new, it will be always possible to form new motions upon every affair that shall come before us; for dates may be always varied, and some circumstance may be added or taken away: so that nothing can ever be settled, which malignity or caprice shall be inclined to embarrass by a new dispute; nor can we ever proceed through the different questions which are brought before us, because one question may be perpetually renewed.

Lord *Carteret:*

My lords; the noble lord who first objected to the motion, as contrary to the stated rules of our proceedings, deserves, in my opinion, the highest praises for the vigilance with which he preserves our orders from violation, and the candour and decency with which he has proposed his objection to the House.—The objection to the motion as it was first made, was indisputably just, nor can I discover that it is yet removed by the alteration. I am of opinion with the noble lord who spoke last, that the question still continues the same with that which has been already regularly determined after a long debate.—It cannot, my lords, be reasonable to debate the same question for ever; the business of the House is very complicated and extensive, and the whole can never be concluded, unless we have some method of knowing when we have dispatched each part. If the same question may be debated more than once in a session, it may be debated without end; and the decision of the House can be of no use, because a new decision may at any time be expected contrary to the former.

Viscount *Lonsdale:*

My lords; my regard for the dignity of this august House, and my zeal for the honour of our determinations, always fills me with the utmost indignation, when I hear any assertions uttered among us, by which that reputation may be impaired, which has been transmitted to us by our ancestors, and to which we must always owe that reverence, with which our decrees are received by the people.—Nothing, my lords, can so certainly dishonour us, or so speedily level us with the meanest of the crowd, as a notorious and apparent disregard of truth, or attempts to evade it by artifices of sophistry. And such is the artifice by which the motion now before us, is attempted to be rejected without a debate; a motion that was made originally different from any yet made, though on the same subject with the former, but which, as it is now altered, has nothing in common with the former, but the intention of procuring the discharge of the Hanoverian forces, which have been maintained at the expence of this country, without any advantage to those that pay them.—Yet this intention, my lords, is sufficient to alarm those, who have determined at all events to continue the burthen upon us, however impatiently it may be borne; and who, therefore, think it necessary to hinder any enquiries into this dark and detestable scheme. But that cause must always be suspected that is defended by chicanery and fallacy, and of which those who may be justly imagined best qualified to defend it, elude the examination by a mean recourse to subterfuges and quibbles.—Whether any infraction of the orders of the House be threatened by this motion, can only be discovered by examining the rule which is supposed to restrain us from it. I hope, therefore, that those lords who have so warmly declared for constant and unvaried regularity, will order the rule to be read to us, of which they have recommended the observation.

Lord *Delawar:*

My lords; the rule which has been mentioned as necessary to be observed, is, indeed, one of the essential and inviolable rules of this House, and has been in all ages regarded as the great barrier of our debates, and our chief security against faction and confusion; but it is not to be found among our written orders, being one of those rules which do not depend upon choice, but which necessity prescribes and custom has ratified, like many usages and customs of this nation, which are constantly observed; for instance, in the common law, though their original cannot be traced. This rule is likewise observed in the other House, but it is no where to be found in their records: it must, in fact, be the rule of every assembly, because it cannot be said that deliberations are of any use, if those whose opinion is rejected, may have

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the liberty of renewing their arguments without end, and of repealing any decision as soon as it has passed.

Viscount *Lonsdale:*

My lords; I cannot be yet satisfied with the validity of that authority, by which some noble lords imagine us prohibited to consider the motion which has been made. The rule to which they refer, and from which they declare themselves determined never to depart, is, by their own confession, no where to be found; and surely that rule which has no authority, which was never proposed to the House for its approbation, and which was never registered in our records, can be of no great importance. It is said, indeed, to be a custom, which by the approbation of many ages, has obtained the validity of a law; but, my lords, this, though a specious, is yet an insufficient answer; for all customs must have a known original, and that original must be somewhere to be traced. This dispute is, however, superfluous on the present occasion; for the question now before us, is entirely different from that which was lately under our consideration: and, as it is a question of the utmost moment, I hope no trifling arts, or low evasions will be used to hinder us from such an examination of it, as may enable us to discover the truth, and secure the honor of our country.

The Earl of *Morton:*

My lords; the question now before you appears to relate, not immediately to any of the national affairs, but to your own methods of procedure, and the established custom of this House, of which I cannot pretend to have much knowledge. I shall, however, offer my sentiments upon it, if not with skill, at least with honesty, and hope to be heard with the same indulgence as when I presumed to speak before upon this subject.

The present question, my lords, seems to me wholly different from that which arose from the late motion; and, therefore, though the rule which has been mentioned should be allowed all the validity and importance which has been ascribed to it, we may, in my opinion, very properly consider the motion.

It has been already observed, my lords, that the order of the other House is in this respect the same with our own; yet a case may be found in their records, exactly parallel to that before us. An enquiry was proposed, into the conduct of a noble person, for twenty years, which, after a very long debate, was rejected; nor can it be said to have been rejected, till all that could be urged for it had been heard; yet a few days afterwards, my lords, another motion was made for an enquiry into the conduct of the same person, for the last ten years only, which was agreed to; nor was it ever urged in that debate, that the question was unconstitutional, or had been moved before.

The present case, in my opinion, exactly resembles that which I have mentioned. The question now before us seems to me of the same kind with a former question, but by no means the same. When the motion was lately made for addressing his majesty, that the troops of Hanover should not be continued in our pay beyond a certain day, which was the day on which the contract expired, I thought the motion, as the noble lord has been pleased to remind the House, unnecessary and premature; and therefore refused to agree to it, since we did not know that there was any design of taking them again into the pay of Great Britain. But now, my lords, it is evident that the contract is to be renewed, and, therefore, the nature of the question is altered, and we may proceed to consider it without deviating from our ancient rules or established customs.

The Earl of *Bath:*

My lords; the question now before us is of the utmost importance to the public, and such as has raised the expectations of the people to the greatest height; the eyes of all the nation are now upon us, and every man who has any regard for the general welfare of his country waits for the determination of your lordships with all the anxiety of suspence; nor can the solicitude of the public be thought unreasonable, since both parties agree, that in this question is involved the prosperity of the alliance, and the happiness both of ourselves and our posterity.

It would, therefore, my lords, be considered by the nation as a neglect of the common interest, not to allow this motion an open and a calm debate; nor will either party be satisfied if these troops, which have given occasion to so many murmurs and complaints, should be continued in our pay without that solemnity of consultation which is not to be legally omitted in affairs of much less importance.

That this affair should therefore be con-

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ducted with the usual formalities of the House, is undoubtedly to be desired; but, my lords, I am yet very far from proposing that the constitutional order should be violated, or the established methods forsaken. I am sufficiently convinced, my lords, of the necessity of order in general, and of the importance of that particular principle which has been mentioned on this occasion; yet I cannot but express my desire that some method or expedient may be discovered, by which the rule may still remain unbroken, and the debate nevertheless be permitted to proceed.

Some expedients of this kind might be perhaps collected, but they are, if the truth be honestly confessed, such as cannot be very much applauded; since when a Bill for laying a tax upon leather was rejected by this House, the Commons sent up the same Bill with some difference in the title, and laid the same tax upon hides tawed or tanned. And as the necessities of the public did not allow time for dispute, the new title was supposed at that time to have made a new Bill. This, my lords, may be mentioned as a precedent, but is such a precedent of chicanery, such an instance of an indecent and contemptuous jest, as ought by no means to be imitated.

With regard to the case mentioned as parallel by the noble lord, I cannot discover that it can be said with any justice to resemble that which is now before us; the two questions were then very widely and manifestly different; for surely, my lords, to propose an enquiry into the conduct of a few years, and into that of a man's whole life, are intentions so far from being the same, or nearly the same, that the one may be reasonable and just, though the other be absurd and cruel; and he may very warmly promote the one, who starts with indignation at the other.

But between the two motions which are now to be compared, no such distinction can be formed; the words and the intention of both are exactly the same, and he that disapproved the one, must likewise, for the same reasons, determine against the other. And, indeed, as the sense of the House, with regard to the continuation of these troops, was last month sufficiently apparent from the great majority by which the motion was rejected after a very long debate, I cannot think it reasonable to recall it into debate after it has been so fully considered, and so solemnly decided.

It is to be observed, my lords, and the observations may be, perhaps, of some efficacy to repress the ardour which some noble lords have expressed for debating this question, that the strongest argument against the late motion, is yet more strong if it be urged against this. The reason which immediately prevailed upon me, and probably upon many other lords, to vote against the discharge of the troops of Hanover, was the difficulty of obtaining others so soon as was necessary to supply them. This difficulty, my lords, which was before so great, that to most of those who are acquainted with the state of the continent it appeared unsurmountable, is now much greater, as the time is less in which they must be raised; and that diminution of our army which would so much have embarrassed us a month ago, cannot now be attempted without giving such apparent advantages to our enemies, that we shall appear to desert the common cause.

The Earl of *Halifax*:

My lords; there is no necessity for expressing so much anxiety for the preservation of orders, which are in no danger of being broken; or of looking far and wide for expedients, when the common methods of procedure will answer all the purposes that are desired. The question now before us, may be safely debated without any deviation from the customs of our ancestors, for it has never yet been considered by us. Whatever may be thought of the original question, which has appeared by no means indefensible, the amendment leaves not the least room for any pretence of doubt, since it has wholly altered the state of the matter in dispute, by fixing a distant time for the dismission of the troops, and allowing an opportunity for supplying their place with others, which may be of more use and less expence than these hateful Hanoverians; who, if the debate be not hindered by wretched subterfuges, will soon appear an ignominious burthen to the nation, and whom none of those who thus warmly recommend them will be able to vindicate.

Lord *Talbot*:

My lords; the rules of the other House and these are allowed to be the same, and therefore what was proper in the one cannot be less proper in the other. It is therefore my opinion, that the precedent which was given by the change of the term, for which that remarkable enquiry was to be made, was very justly

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urged by the noble lord, and must be confessed by every man that shall impartially consider it, to be exactly parallel to the present case.—It is to very little purpose that the noble lord has attempted to destroy the similitude, by representing the immense difference between an enquiry for ten and for twenty years, and endeavouring to affect your lordships with a wild and indeterminate view of the transaction, by mentioning an enquiry into the conduct of twenty years, as an enquiry into a man's whole life. It is well known that twenty years comprised only the political or ministerial life of the person, whose conduct was then to be examined; and why should not every man give an account of all the time which he has spent, in so conspicuous a station, with such strong suspicions and such loud and continued censures? But it was the interest of great numbers that nothing should be discovered, and their multitude made them too powerful for truth or justice.—The difference between those two motions was not greater than will be produced between this and that of last month, by the variation which the noble lord has offered, by which all pretence for eluding the debate is taken away; and those who will not yet admit it, must tacitly allow that they distrust the cause in which they are engaged.—If reason, therefore, be of any weight, it is now sufficiently proved that we are at full liberty to enter upon the question: but, my lords, if we sit here only to act the farce of a parliament, and are to debate only such questions as shall please the ministry, I shall not wonder to find that we are precluded from this, which must be far from giving them any prospect of success, and which must probably produce such representations as may at least show the nation its danger, and its reproach; though perhaps they may operate very little upon those who have brought this danger and reproach upon us.

The Duke of *Bedford:*

My lords; I hope I shall be permitted to enquire, whether, if the question, as it thus amended, shall be put and rejected, we shall then engage in the discussion of the chief point of the controversy, the necessity and use of the Hanoverian troops, and the propriety of continuing them in English pay.—I enquire only, my lords, in hope of being informed, whether I may flatter myself with an opportunity of giving my vote on this important affair; for I am very desirous of giving my country a proof of my zeal for its honour, its independence, and its prosperity, by voting for the dismission of those forces, which, I am convinced, are useless, insolent, and subject to no command; and which therefore must be retained with views very different from that of advancing the success of our arms, or increasing the power and influence of our allies.—For this reason, my lords, I must confess my dislike of the amendment which the noble lord has been pleased to propose, by which these troops are permitted to continue in our pay till the 25th day of March next; in which time, though they cannot possibly do any service, they will receive an hundred thousand pounds more of English money; of money which might be employed to useful purposes, by which other troops might be hired, who would really assist the nation by which they are paid, and promote the cause for which they are retained.—This, my lords, is an act of profusion which, surely, cannot at any time be approved; and which, at a time like this, is particularly improper: for surely, my lords, when the whole continent is overflowed with the armies of the House of Bourbon, and the total overthrow of liberty is threatened, we ought not to be lavish of our treasures; but to spend them, since they must be spent, in the manner that they may most obstruct the designs of the common enemy.—I cannot but, for this reason, recommend it to the noble lord to withdraw his amendment, and to suffer the question to remain in its original state; to which I do not think that any just objection can be made, and in which it may be debated with a better prospect of advantage to the public.

The Earl of *Chesterfield:*

My lords; the declarations of the noble lords, who have asserted the question now altered to be the same with that which was debated last month, and that the continuance of the Hanoverian troops in our pay for another year has been already determined by the House, appear to me so wild and indefensible, that I am astonished beyond all astonishment, when I consider by whom they have been uttered.

If this question, and that which has been so often mentioned be the same, I shall never be able to discover when one thing differs from another; nor shall dare to offer a motion in the House, lest I should have made it myself before, and repeat my

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own words without design. Nor shall I be less embarrassed in my sentiments with regard to the proceedings of this House, if it shall be found by your lordships, that the continuance of the Hanoverian troops was determined on occasion of the late motion; for, though I cannot blame myself for inattention to that debate, I do not remember that any more was then determined, than that we should not address his majesty at that time to discharge them.

I shall therefore, my lords, henceforward despair of being of any use to my country, as a member of this House; because I shall never know what has been determined or rejected, nor, consequently, what it may be proper to propose, or on what questions debates may be allowed.

I am not less astonished to hear, what the noble lord who spoke last had been pleased to assert, that there is no resemblance between the two motions made in the other House, with relation to the conduct of a noble person, and those which have been offered in this, concerning the Hanoverian troops. There appears to me, my lords, a very exact similitude; in one case, the term to which the enquiry was to extend, was altered; in the other, the time is changed, at which we desire the dismission of these troops.

Nor does the noble lord's representation of the first motion that was made for an enquiry, appear to me candid or just. An enquiry for twenty years, my lords, is by no means an enquiry into a man's whole life, but into that part of it in which he was supposed capable of offences against the commonwealth.

This motion, however, was rejected, whatever were the reasons which influenced the House; but the asserters of the rights of their country, resolved not to be easily disappointed, and therefore still continued to call out for an enquiry, and determined to obtain it, though for only five years, or even for one. An enquiry, it is well known, was procured for ten years; and this enquiry I myself promoted; but, my lords, I promoted it not from any private malevolence to the minister, but because I disapproved his measures; and as I had not then any particular prejudices to gratify, I still continue of the same opinion, and cannot prevail upon myself to think, that what was right when it was done against him, can be wrong on any other occasion. Thus it appears to me, my lords, that we may regularly proceed to the question; but as I am under the same uncertainties with the noble duke, I am desirous that the lords may make a plainer discovery of their scheme of proceeding, and let us know at length what we may expect.

Here the Lord Chancellor, in answer to the duke of Bedford and lord Chesterfield's enquiry about the method of proceeding, declared, that as there were two questions before the House, the original question, and the amended question, one of them must be withdrawn, or the previous question might be put.

Lord *Gower:*

My lords; as I cannot but agree with my noble friend, that the continuance of the troops hired from Hanover for the time proposed, will only accumulate one useless expence upon another; since it is evident that they can be of no use, I think it more convenient that the amendment should be withdrawn, and that the design of the amendment only should be regarded; and the question should be stated in such a manner, as may tend to alleviate, not increase, the burthens of the nation.—But though I desire that the question should be put, I do not presume to hope it; for, I discover in many lords, such apparent unwillingness to hear this subject discussed, and such desire of evading the debate, by any quibbles or subterfuges that can be found, that I think the most reasonable method of proceeding, is, rather by enquiry than argument; and therefore intreat to be informed, whether it will be at last permitted, that the use or necessity of the Hanoverian troops shall be debated, or whether they are to be retained, without the formality of parliamentary deliberations.

Lord *Carteret:*

My lords; I cannot, without very unusual amazement, hear it doubted whether this question has been debated this session: for what, my lords, is the motion now made? and what was the motion of the 9th of last month? Let them be compared, and let the difference be shewn. Is it not proposed in both, that an Address be presented to his majesty, to discharge the troops of Hanover from the pay of this nation? Is not the reason urged in both, the pacification of the jealousies in his faithful subjects at home, and in his English forces abroad?

The question, my lords, was then, and now is, Whether the Hanoverian troops

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are to be continued in our service or discharged from it? And it was then the opinion of a very great majority, after a very serious and solemn debate, that it was necessary to retain them, because no others were to be hired. The same necessity, my lords, still continues; troops must be employed, and the troops of that electorate are the only troops which can at present be added to our own, and by which we can stop the progress of the common enemy, and support the House of Austria.

With regard to the amendment, it has with great justice been already remarked, that it can have no other tendency than to load the nation with an useless burthen, by retaining a large body of troops, at a time when they cannot possibly be of any use; by retaining them in the winter, and discharging them in the spring; retaining them while they must inevitably lie idle, and discharging them when they begin, or may begin, to enter upon action: against this amendment, my lords, I shall undoubtedly vote; which, in my opinion, is such, that if I had been inclined to have suppressed the motion, I could not have contrived an expedient more likely to succeed than such an alteration.

I have no desire to preclude the deliberations of your lordships, or to obstruct the examination of this question, if it can be examined without any violation of the essential rules of this House, and the established methods of procedure, which I am always willing to observe, because they can never be safely neglected even upon great occasions; for what is at first done upon a great occasion, will in a short time be done upon a less; and when it is convenient to break a rule, an occasion never will be wanted.

For this reason, and for this only, have I hitherto opposed the motion; for I am very far from thinking it difficult to defend the measures that have been taken. Nor do I believe that any thing but truth is necessary to their vindication; or that, in order to approve them, any other motive need to be adopted, than honest zeal for the interest of England.

That we are now engaged in war is well known, nor is it less evident that war cannot be carried on without soldiers; and I repeat it, my lords, once more, no troops are to be hired but the troops of Hanover; the question is not whether we shall hire these or others, but whether we shall hire these troops, or look without resistance on the approach of ruin.

The same clamours were raised last year against the same troops; but, my lords, it ought to be considered what opposition could have been made without their assistance, and what would have been the event if a vigorous opposition had been delayed. Had we not drawn our swords at that time of extreme necessity; had we not marched to the assistance of our ally, and shewn not only our resolution but our ability to support her, the French had made half mankind their vassals, and at this time would perhaps have been forming schemes for the conquest of Great Britain.

It is indeed a very popular objection to these troops that they are retained in our pay, for the advantage of Hanover: to this it may be once more answered, that there was no choice; that no other troops were to be had on any terms; and that if Hanover were enriched by the contract, the question only was, Whether we should enrich Hanover, or be enslaved to France? —I hope it cannot be suspected of me, that I prefer any interest to that of my native country, in which I hazard too much not to wish its prosperity; for I am allied, my lords, to most of the principal houses in the kingdom, and can number a very great part of this august assembly among my relations. This alone must be sufficient to restrain me from sacrificing the interest of Great Britain, because I could gain nothing equivalent to the loss which I must suffer in my private happiness, by any injustice which I could commit against the public.

With this reflection operating upon my mind with the strongest sense of my connection with my country, I shall vote for the continuance of these troops, because I think it absolutely necessary at this time to exert our utmost force; and I do not doubt but that whatever censures may now be vented against me for my adherence to this plan, I shall have in a short time the satisfaction of hearing those who now oppose me, retract their assertions; at least I have one satisfaction which there is no danger of losing, the satisfaction of having acted with honesty, and of having served my country with zeal and sincerity.

Lord Chancellor *Hardwicke*:

My lords; it was not without some wonder that I heard the noble lord who spoke last but one give way so far to an intemperate zeal as to utter some expressions, neither wholly decent nor in any

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degree just; and to charge those who happen to differ from him in their opinion with quibbles and subterfuges. My regard for him inclines me to wish that such an aspersion had been thrown rather by any other person; but my consciousness of my own integrity hinders me from feeling any pain from it, however highly I may think of him from whom it fell.

I am confident, my lords, that there is no man in this House disdains quibbles and subterfuges more than myself, or who would more willingly contribute to the discovery of truth, in an affair in which my country is so nearly concerned; nor have I any objection to a debate on this motion, except that it is contrary, in my opinion, to the rules of this House.

That this question, my lords, cannot be now debated without the infraction of a known rule, without an apparent recession from the necessary methods of procedure, is to me so evident, that as every man is willing to conceive that the arguments which strike him strongly, must likewise have the same effect upon others, I cannot persuade myself, but that those lords who now call with so much vehemence for the debate, will themselves confess that they have proposed a transgression of the orders of the House, when the present heat of opposition has subsided, and they shall reflect upon their own conduct without any ardour of contest, or desire of victory.

It has been demanded, my lords, where this rule, which has been justly represented of so great importance, is to be found; and we have been called upon to order, that it may be read for the general satisfaction of the House. It is not improbable, my lords, that this demand was made rather for the sake of opposition than for information; and that it is already generally known that this rule, however important, however ancient, was never registered in any of your books. But, my lords, I appeal with great confidence to this illustrious House, and to the breast of every man present, whether any rule be better known or more generally allowed than this, that a question once determined is not to be again debated the same session.

How I can be said to quibble by raising this objection, whether properly or not, I am at a loss to conceive; nor can I imagine for what reason there appears at present so strong an inclination to controvert a known and standing order, an order of which the expedience and the necessity appears without the labour of proving or displaying them, and which has been perhaps never disputed on any former occasion.

The time, my lords, which has been thus spent upon a design in which no success could justly be desired, might have been more properly laid out in forming, upon the same subject, another motion to which the same objection cannot be made, This, my lords, is very obvious; nor can it be desired that a rule should be broken to effect nothing which may not be done with equal facility by observing it.

Viscount *Lonsdale*:

My lords; I am not yet inclined to desist from the motion, because I still believe it consistent with the rules of the House, and do not despair of being able to show that consistency to the satisfaction of those lords who really doubt it. For, like the noble lord, I am willing to believe that there is a general conformity in the faculties of men, and that the argument which convinces one must generally have some effect upon another.

It is always to be remembered, my lords, that a negative and affirmative determination are not the same; nor can it be inferred from any man's resolution that he will not go one way, that of two ways he must take the other; for he may stop, or he may return. Thus, my lords, when we determined on the late motion, not to address his majesty to discharge the Hanoverian troops from our pay, it cannot be proved that the lords, who then concurred in that negative, intended to continue them: they might intend only to defer the address, or procure their dismission by some other method; for a mere negative implies nothing beyond itself; and nothing was then passed but a negative determination, as will sufficiently appear upon inspection of the journal of the day.

Nor can it, I think, be truly asserted, my lords, that no questions are to be considered twice in the same session; for the members of the other House have had an opportunity of voting twice upon this question, which was first examined when the number of troops was adjusted, and afterwards when the manner of raising money for their payment was to be settled: and I cannot imagine for what reason the liberty which is enjoyed by them should be denied us; since I cannot think our deliberations of less use to the public, or our consent less necessary to constitute the legality of any proceedings.

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It is not, however, necessary at present to enquire whether the same question may be repeated in the same session in which it has been rejected; because, it still remains to be proved that this question has been before proposed. That it was moved to address his majesty that he would dismiss these troops, I readily admit; but what, my lords, was the determination of this House upon that motion? It was determined, not that these troops should not be dismissed, but that we should not at that time petition his majesty to dismiss them; not that they should continue in our pay, but that we should not immediately desire their discharge.

The distinction, my lords, between a negative and positive determination can perplex only those who will not suffer themselves to discover the plainest truths, when they are opposite to their opinions or their interest; for a negative decision binds us only not to do what was refused when it was proposed. As when it was moved to address that these troops should be dismissed on a certain day, the rejection of that motion restrained us from offering such Address; but if we should vote that these troops shall be continued, we should then be obliged not only not to solicit their dismission, but to promote their continuance.

Such a vote, my lords, I hope our regard to the happiness and the honour of our country will for ever hinder us from passing. For my part, the arguments which I have hitherto heard have only confirmed me in my opinion, that they are useless and oppressive. And as I am not without hopes, that the reasons which I have to offer may induce other lords to afford this question a more serious consideration, and as I am satisfied that the more the conduct of these hateful troops is considered the more necessary their dismission will appear, I am extremely desirous that this question should be debated; but am not ignorant that the same reasons which incite me to wish for a debate, may be of equal weight with others to incline them to avoid it.

The Earl of *Bath:*

My lords; I expected from the candour of this august House, that it would not have been necessary to observe that when I mentioned twenty years as comprising the whole life of a man, I did not intend that my words should be very rigorously examined; nor expected to be represented as affirming, that man did not by nature live more than twenty years. It is apparent, my lords, that, when I made use of that expression, I meant to speak with the usual latitude of unpremeditated language, and did not propose to speak with such exactness as might be demanded from a witness giving his testimony upon oath: yet it is well known that in one sense, twenty years may be said even to be more than the life of a man; for the computers reckon it more than an equal wager chance that any man shall die in that time.—I flatter myself, however, that my meaning was so expressed that it could not be mistaken, and that even those who have been pleased to censure my expression, must know that I only intended to represent an enquiry for twenty years as hard and severe; because the length of time might make the defence, even of right measures, extremely difficult, as it might have changed the face of affairs so much, that many circumstances which were of great importance, and by which the exceptionable measures were regulated, might be forgotten, and a great part of the evidence which might have been offered lost either by accidents or death; and that therefore in opposition to a shorter space, twenty years might be considered as the life of a man.—Having thus, my lords, endeavoured to obviate the objection to which my negligence of expression has given occasion, I think it necessary to remark, that what has been urged by the noble lords, with regard to the procedure of the other House, is of no great weight in this enquiry; because the distinct privileges of each House give occasion to different forms of proceedings. It is well known, my lords, that the provision of supplies is the peculiar right of the other House, and therefore, those forms which are necessarily introduced by that peculiarity, cannot be mentioned as precedents for our imitation, who, as we cannot be said to follow them for the same reason, have no need of following them at all.—I cannot however, my lords, but repeat my desire that this difficulty may be surmounted, and that we may at length enter upon this important question which hath so deservedly raised the attention of the people, and which it must be of so much use to the public to discuss with accuracy.

The Duke of *Argyle:*

My lords; it is always with the

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greatest concern that I hear questions of such importance as the present, meet with continual delays, and the business of the House retarded by peevish and unprecedented motions, the end of which, if they are intended for real service, cannot so well be attained as by a decent and proper conduct. I cannot, by any means, my lords, agree to the assertion made by two noble lords, relating to the rules of both Houses of Parliament; because it is well known that they are very different; however it is a maxim to which I shall always adhere, that the rules of any House, or the records of them in books, ought to be no farther regarded than as they are consistent with reason and agreeable to truth. But can it be said to be reasonable, or in the least degree consistent with the rules of any wise constitution whatever, to debate the same point one day which had been finally determined in the preceding? Your lordships must know that this cannot be reconciled with reason; and if you will consider the invariable practice of this House, you will find it contrary to custom, since no precedent can be produced in favour of such a proceeding.

A noble lord has mentioned, indeed, but by way of disapprobation, the case of leather and tanned hides; and was pleased to add, that the business of the House then seemed to be made a jest of, by the change only of these words, in order to introduce an old Bill as a new one. But I so far differ from his lordship, that I think it was at that time a very useful jest; but must agree with him, that it is not a precedent to be indiscriminately followed. In the present case, my lords, the sense of the House has been already taken, and the question, as now stated, cannot be debated again.

Many personal, many invidious reflections have been thrown out, at which I am the more surprised, as there is nothing in any of the questions that could give rise to them; and, therefore, I am apt to believe, that the only reason for making use of them, was the disappointment of the noble lords in stating their question, which has perhaps put them into an ill humour. But surely, my lords, it cannot be said that the English language is not sufficiently copious, or that the noble lords, whom all must acknowledge, I am sure I do, to have great parts, great ingenuity and penetration, were not able to find out another form, a form every way as fruitful of matter for invective. Were they obliged to choose the same identical words, and the very expressions of the former question? or did they choose them, that they might have an opportunity to complain of subterfuges and evasions? I will not affirm this to be the case; but I will affirm that they might have easily amended their own question so as to render it unexceptionable; but, my lords, the question which they first moved, and this question as now amended have the same, they will have the very same effect both as to persons and things. I will not assert that this was the effect of design, a design that the debate or the merits of the affair might not come on; such an assertion may be too hard and severe; but I will assert and maintain, that it is entirely their own fault that the merit of the question does not come into debate; and that no subterfuge was intended, and no evasion was designed, or wanted. —I would not, my lords, do any thing that may seem rigorous, or appear to the world like taking an advantage of an oversight; and therefore, if the noble lords, who are so well versed in the proceedings, and so acute in discovering blunders in others, have, for want of concerting the matter among themselves, proposed an amendment that embarrasses them, I shall be very willing to allow them time to rectify their oversight; or if they do not choose to have their question put, as amended, the previous question may be put.—I must say again, that I do not propose this alteration to evade the debate on the merit of the question; I am, on the contrary, very desirous to enter on it, because I think that there is no choice, and we must have these troops or none.

The question was then read as amended by the earl of Chesterfield.

The Earl of *Chesterfield:*

My lords; having proposed the amendment to the motion, and therefore altered the question to its present state, I think it of use to enquire the opinion of the House, whether the question as it now stands be such as may properly be debated, and whether the objection which arose from the necessity of observing the rules of the House appears to be removed. —It is, indeed, my opinion, that the first motion only appeared contrary to our established methods, but was in reality consistent with them: but I proposed the amendment to take away that appearance, which, when reality is wanted, serves too

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often to supply its place; and I think that there is now no longer any shew of contrariety between the question and the rules, and hope, therefore, that we shall enter upon the principal topic of dispute without any other subterfuges, evasions, or delays.—But though I hope for an opportunity of supporting an opinion, which I sincerely believe to be just, and which I am certain the whole nation wishes to prevail, yet I am very far from being confident that any such opportunity will be afforded me; for it is impossible not to observe with how much art this question is evaded, and how unwillingly the noble lords will be forced into a debate upon the propriety of their own measures.—This unwillingness, my lords, must be the only reason for which the first motion was opposed, and for which any difficulties are raised against the present question: for if they are, as they have been pleased universally to declare, willing to enter upon the debate, I know not why they should desire a question only differing in words, but in itself of the same import; and therefore cannot but fear that they are less willing to promote the discussion of this affair, than they are desirous of being thought, and that this great, this necessary question will be at length eluded.

The Earl of *Cholmondeley:*

My lords; it is not without wonder that after having heard the assertions and arguments which this debate has produced, and after having been informed by those lords who are acquainted, either by their particular studies or their long experience, with the rules of the House, the noble lord should still persist in imagining, that the present motion, either without or with his amendment, is different from that which has been already decided by this House, in this session; and that he should still continue to urge what he himself must know to be irregular, and to call out for a discussion of a point which has been already discussed, and for the consideration of a motion which has already been considered.—Nor is it with more reason, my lords, that he insinuates his suspicion of a design to avoid the question, since he cannot but know that the same arguments which have already prevailed, will probably prevail again; and that therefore another examination must end in another triumph of those whom he so importunately calls to the combat. It is therefore not likely that for any other reason than their conviction of the necessity of preserving the rules of the House from violation, and preserving the established method of our proceedings, and that decency of deliberation and that stability of our counsels which those settled methods produce, they should endeavour to avoid a debate, in which it cannot be much doubted but that they promise themselves an easy victory; for the majority was so great in the late debate that though many should be supposed to have changed their opinions, which there is no reason for fearing on one part, or for hoping for on the other, yet the ministry can have little reason to fear that those measures which were so lately approved will now be condemned.—However, my lords, that the question may not appear to have been over-ruled by violence, I think it not improper, since the lords of the same party are not in this case of the same opinion, but some dislike the motion, and some the amendment, that the previous question should be put, that the decency of our deliberations may be preserved, and the debate at least deferred, till the noble lords can settle their question.

Lord *Carteret:*

My lords; as it is not only necessary in the administration of national affairs to do right, but to appear likewise to do right; and as not only the advantage of the people is to be promoted, but their inclination so far gratified, as may be done without real injury to their interest, I am very desirous that this difference of opinion should be adjusted in the most easy and most decent manner; and that the motion should not be excluded by an abrupt negative, which at least ought to be spared where all the advantageous effects which can be hoped from it, may be produced by gentler methods.—On great occasions as on small, all unnecessary harshness is to be avoided: nor should public spirit give any occasion to personal disrespect: rudeness and firmness are very easily distinguished, and may be kept separate, if we do not suffer our interests or our vanity to inflame our passions, and incline us to consider those as our enemies who are only our opponents, and who oppose us only for the same reason that inclines us to oppose them.—I shall naturally be less desirous of suppressing this motion in an absolute or arbitrary manner, because in reality I do not wish its suppression at all, and am only unwilling to debate it because it is inconsistent with the rules of the

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House; those rules which were originally dictated by necessity, and of which the necessity will appear more plainly when they are violated, from the confusion which that violation will let in upon us.—With regard to the chief question, I am so confident of the invariable force of the arguments which may be produced against the dismission of these forces, that I cannot but wish for a proper occasion to produce them; nor shall I endeavour to decline any regular way that may conduce to a full discussion and final decision of the propriety of the measures which have been taken. And though I can by no means agree to the present motion, I yet desire to dismiss it in such a manner as may shew that at least it gives me no offence, and that I can adhere to the rules of civility with regard to those lords from whom I differ in political opinions.

Viscount *Lonsdale:*

My lords; I now make no longer any doubt of what I before suspected—the design of the noble lords to escape the perplexity which the discussion of this question would naturally create; for they are now so far from concealing it, that they do not even endeavour to evade it artfully, but propose the usual method of avoiding arguments which they cannot answer, and of eluding a question which they are ashamed to decide in their own favour.—It appears plainly, that the more ardently the lords express their desire of entering upon the discussion of this question, the more assiduously is it opposed. When the motion was first made, it was declared irregular; when an amendment is proposed, which wholly put an end to all appearance of irregularity, it is necessary to avoid the perplexity arising from two motions, by the previous question.—Thus, my lords, it is evident, that this question, however allowed by all to be of the utmost importance, and admitted to be such as holds the whole nation justly in suspense; this question, on which the fate perhaps of the war may depend, is to be suppressed; and measures are to be pursued without examination, though the united complaints of the nation are soliciting a change.—This conduct, my lords, is surely such as it will not be very easy to reconcile with candour, or with decency; such, as our regard to the people whose interest is intrusted to our care, ought to forbid; and such as neither policy can countenance, nor authority justify. It has, indeed, been already mentioned with some degree of resentment, that these practices have been called by no gentler name than they deserve; but, my lords, as I think scarce any language can be too severe for such shameful and fallacious practices, I cannot think myself restrained by the laws of decency from using such terms as I hope never to be provoked to on any other occasion, and such as I should wish to see banished from this House, by the cessation of those arts to which such odious appellations properly belong.

The Earl of *Cholmondeley:*

My lords; I am yet at a loss to know, why the noble lords who support the motion are so much offended; since if they really desire to discuss once more the chief question, it might be easily comprised in a motion, which could not infringe the rules of the House, and which may still be drawn up in far stronger terms than those which have been yet used.—The question now before us, is, therefore, not whether the expediency of retaining these forces in the pay of Great Britain shall be discussed; but whether it shall be discussed in such a manner as shall violate all the methods and rules of this House, and perplex our future deliberations with confusion, and invalidate our decisions with perpetual uncertainty.—If the noble lords really desire to recall this question to a second debate, the means of doing it are in their hands; nor have they any other task, in order to the accomplishment of their wishes, than that of drawing up a motion, which has not yet been offered in this session; and surely, if they refuse to comply with terms so easy, it cannot but be doubted whether their zeal be really so ardent as their resentment, whether they have any confidence in the force of their arguments, and whether they are not secretly more desirous of imputing to their opponents the suppression of the question, than of debating openly and calmly upon it.—It has been insinuated, that there is a design of evading this question for ever, and that some objections will be always started, when the electoral troops are to be the subject of our debates; but, my lords, the state of the continent will not suffer any such design to be formed; or if it can be formed, will hinder its execution: for a short time will shew again the necessity of continuing them in our pay; a new contract will be quickly made, which will give the noble lords a new op-

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portunity of declaring their opinions, and displaying their reasonings.—Nothing, therefore, can be more unreasonable, than the suspicions of the noble lords, who imagine that designs are formed for the suppression of a question, which only their own method of offering it hinders from being now examined, and who will not alter the method which they have projected, however erroneous, however opposite both to custom and to reason. But this insinuation is still more unlikely to be just, when it is considered, that the question can even, by steadiness and spirit on one part, and perverseness and obstinacy on the other, be obstructed only for a day; and that it must, in a short time, necessarily recur.

The House was then silent for a considerable time; and the previous question, "whether the motion should be taken into consideration by the House," was put by the Lord Chancellor, when

The Duke of *Montrose* rose, and said:

My lords; as I have never before interrupted the proceeding of the House, by any of my scruples or objections, I hope now to be heard with that candour which your lordships are accustomed to shew to those who do not speak from the confidence of greater knowledge than that of other men, but from the consciousness of less; and whose intention is not to embarrass others with difficulties, but to obtain, from the superior abilities and long experience of those who are engaged in the administration of affairs, such information as may free their own minds from scruples.—I came into this House, my lords, with an ardent and earnest desire of serving my country; and I doubt not but many more in this House have intentions no less upright than myself, and are desirous, like me, to give their votes with honesty, on every question that shall come before us. Full of these views and these hopes, my lords, willing to serve my country, and resolved to serve it with the exactest fidelity; I did not expect to see my intentions frustrated by an exception taken to a form of words, or a nice regard to formalities of order.—That the question should be, in this manner, laid aside, fills me, who have no regard but to things, and imagine that all smaller considerations ought to give way to the interest of the public, with the utmost astonishment; with astonishment augmented by the reflections that all those who so studiously avoid the examination of the question, declare that they are, no less than their opponents, desirous that it should be accurately examined; and appear convinced, that an exact enquiry can end only in the justification of themselves. What are the principles upon which these noble lords at once desire and decline the debate, or for what good end they avoid the merits of this grand question, I am not yet able to discover; but must confess, that such conduct appears to me very likely to defeat the design with which I came hither, of enquiring, with the utmost care, into the state of my country, and voting according to the dictates of my own heart, in consequence of the lights which I could strike out myself, or which I should receive from the discourse or enquiries of others.—I cannot but therefore desire, before this previous question is determined by vote, what is the real intention with which it is put; for I am extremely desirous of giving my suffrage upon this important question, that, while I am honoured with a seat in this august assembly, I may not sit an idle and useless spectator of those measures which I considered myself as empowered, in some degree, to superintend: and those transactions, of which I imagined that my opinion was to be demanded.

Lord *Bathurst:*

My lords; I cannot but agree with the noble duke, that this question ought to be debated; and that it is a kind of injury to the nation, and to those noble lords who are not immediately employed in the administration, and who therefore may not be fully acquainted with the reasons for which some of the most important measures are taken, to refuse a debate, where the arguments which were produced against the conduct of the administration are so specious, that many, who are not informed by a regular discussion of the affair, may believe them unanswerable, and imagine that, for that reason, they were not admitted to be heard.

But, my lords, though it is my opinion that this question ought to be debated, I cannot agree to such a violation of the rules of the House, as the admission of either the original or amended motion must occasion; and therefore, if either of them is proposed, I shall vote that it should be rejected as irregular.

Yet to shew, my lords, that my resolution to observe the rules of parliamentary procedure is by no means a veil to hide

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my dread of a debate; to prove that I think myself able to defend the measures which I have advised, and that I really desire the discovery of truth, and the justification of right, and the open detection of ignorance, or of treachery, I shall propose an expedient, by which I flatter myself that all parties will, or may, be satisfied; and by which those who really desire to discuss this important affair will be furnished with an opportunity of displaying their arguments and their eloquence, without sacrificing to the ardour of their zeal the rules of the House.

When either of the questions shall be put, and decided in the negative, as will, I doubt not, be the event, I shall then shew the sincerity with which I at least have professed my desire of debating this question, by moving for the justification of that conduct which has been so loudly censured; and shall propose, "That it be declared the opinion and resolution of this House, that it was necessary to take into the pay of Great Britain the troops of Hanover, and that it was therefore wise and just."—In these words, or such as shall upon deliberation, appear to me most expressive of my intention, I shall offer a motion which will produce all the advantages which can be expected from a debate, and furnish the noble lords with an opportunity of declaring and of supporting their opinions; for every argument which can be offered in favour of the motion now before us, may be urged with equal justice against that which I shall offer.

Thus, my lords, will opinions be reconciled, all disputes accommodated, and all suspicions dispelled; it will become evident, that nothing more was intended than to support the orders of the House; and that the debate has been retarded only by the impropriety of the motion. The noble lords will then confess, that we have not avoided the combat, and if they lose the victory, can impute their overthrow only to the weakness of those weapons with which they are furnished; and the nation will have the satisfaction of knowing, that none of our measures were such as were afraid of open day, and that the conduct of the administration was not blindly approved, but appeared, after the most rigorous enquiry, to be such as could not be condemned.

The Earl of *Chesterfield:*

My lords; as it appears that the noble lords cannot set themselves free from their scruples with respect to the orders of the House, and as we are perplexed with two questions, I cannot but admit that it may be convenient to extricate ourselves from these difficulties by the common method of the previous question. But, my lords, if this be yielded by us, it is not with any design of neglecting or avoiding the grand point, which we are still desirous to debate; but that it may be introduced in some form that may be generally allowed to be consistent with the common rules of procedure, which when they produce no remarkable inconvenience to the public, it is undoubtedly expedient to observe; and I hope that whatever method of bringing this question into debate shall be proposed, it will not raise new occasions to cavils and altercations, but that every lord will give a new proof of the real ardour of his patriotism, by applying himself steadily and seriously to the discussion of a question in which the welfare of the nation is so much included.

Lord *Carteret:*

My lords; I cannot but once more repeat my desires that this question may be calmly and deliberately debated, that the arguments which shall be offered on both sides may be equitably balanced; nor can I forbear to wish what yet I can now no longer hope, that the motion which has been already offered might be proved to be consistent with the immemorial rules of the House, that we might enter immediately upon the debate, without offending the noble lords, by rejecting their motion, or retarding our own proceedings, by the necessity of another.—But since this is not now to be effected, I cannot think any method more eligible than that which has been proposed by the noble lord, who spoke last but one, who has, in my opinion, struck out a path by which we may at once decline all difficulties, and arrive at the question without making a way over inviolable inclosures, and breaking down that barrier, which our ancestors erected as a standing security against uncertainty, uproar, and confusion.—The method proposed of putting the previous question, I cannot wholly approve, because it has been generally used when any question has been thought improper, and such as the House would not willingly decide, which is by no means to be supposed of the question now before us.—I should rather therefore wish that the amended question should be put, which, as it now seems to be generally

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disliked, will probably be soon decided in the negative, with the view to bring us into regularity, and then a motion like that mentioned by the noble lord, may be immediately made, which will of necessity introduce the debate, in which I doubt not but it will appear that there was little reason for imputing the delays, which the imprudent neglect of forms has occasioned, to any settled design of declining the question.

The Lord Chancellor was about to read the question, when he was interrupted by

Viscount *Lonsdale:*

My lords; I would not accuse the noble lords of insincerity in the zeal which they have been pleased to express for the examination of this question; but it must be confessed, that as the time at which this debate is likely to begin, is such as may incline us to desist from weariness rather than conviction, and therefore it is without any great danger that the noble lord assigns much time has been spent in fruitless altercations, which offer an opportunity of debate, an opportunity which I believe very few lords will find in themselves any inclination to embrace.—For my part, my lords, the unhappy weakness of my constitution is such, as by no means allows me to attend at this time at a debate, which is likely to be prolonged to a very unusual length, and which therefore it is undoubtedly improper to begin at an hour when it is usual for this House to retire; and I must be, therefore, deprived of the information which I might promise myself from the observations of the noble lords by whom these measures will be defended, and the happiness of performing my duty to my country, by voting according to the dictates of my conscience.—I do not, indeed, think that the course of your deliberations ought to be interrupted by any attention to my private convenience; yet I cannot but wish that this debate had begun sooner, or that I had been more able to attend it, and that I might have performed my duty to my country on this occasion, without injuring that health by which only I can be enabled to serve it.

Lord *Bathurst:*

My lords; it is with very little reason that the loss of that time which has been spent in fruitless endeavours to adjust the question, is mentioned as a hardship or inconvenience by those lords to whom all the disadvantages produced by it are in reality to be imputed. For how has time been lost but by an obstinate adherence to a motion apparently irregular, and which those who were inclined to support it would not amend, though it cannot be vindicated? If time has been lost, my lords, in fruitless wrangles, it has at least not been lost by my fault, who have done nothing to hinder the question from being debated, and who have endeavoured nothing more than to procure an exact and regular enquiry. I have proposed a method by which the question may be immediately brought before us, and hope that those who so earnestly lament the loss of that time which has been hitherto unprofitably spent, will not add to that loss by any new delays. It will at least not appear very agreeable to that impatience which they have hitherto expressed for a debate, and that resentment which was raised by the just opposition to their motion, and which is intended to pass for the overflow of zeal and the exuberance of patriotism, if, when the debate is now offered they decline it; nor can it be imagined that their defiance was without some mixture of fear, if, when the field is opened, they retire from the battle.

Lord *Gower:*

My lords; I believe it will not be suspected of me that I am unwilling to engage in this debate, nor have I, on my own account, any objection to the hour, though it may be somewhat unusual and inconvenient; but I cannot deny that the reasoning of the noble lord, who spoke last but one, has hitherto been so just in all those debates on which he has spoken, that it appeared to me of very great importance, and I shall not be convinced that the question has been fully considered, unless I have an opportunity of hearing what his reflections and experience may suggest.—I shall therefore think it, my lords, not improper to defer this motion to another day, when the noble lord's indisposition may not hinder him from attending, and when every lord may have full leisure to declare his sentiments; where there can be no reason to fear that the desire of concluding the debate, should hinder any speaking, and when neither party can have any hope of harassing their opponents, or subduing them by any other power than that of argument.

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Lord *Carteret:*

My lords; that the loss of time is only to be imputed to the incorrect and negligent manner in which the motion was drawn up is very evident, and therefore those who drew or defended the motion, ought not to complain; nor, indeed, can complaints have at this time any other effect than that of adding another unprofitable hour to those which have already passed without advantage. The remembrance of time lost ought to quicken our sense of the importance of those moments which yet remain. The question may be now in a few minutes regularly before us, nor can I discover why it should not be now debated.—I am, indeed, enabled by the happiness of a very vigorous constitution, to support the fatigue of unseasonable hours; nor shall I feel any inconvenience from attending this debate beyond midnight; and, therefore, I confess myself somewhat unwilling to lose the present opportunity.—As I am convinced, my lords, of the rectitude of the measures which have been pursued, I am at all hours prepared for their defence; nor do I need any time for premeditating arguments which crowd upon me faster than I can utter them: but this conviction, which makes me always ready to snatch every opportunity of defending the public measures, assures me likewise that it is superfluous to take any advantage, and that since I do not fear that length of time can give those whom I am to oppose any real advantages, I am under no necessity of pushing them to a sudden contest.—If, therefore, the noble lords think themselves not sufficiently prepared for the question, and desire that it should be delayed to another day, I shall by no means oppose their request; for I am willing that they should be allowed time to prepare themselves, that they may not complain of being defeated only because they were unexpectedly attacked.

Lord *Gower:*

My lords; I am very far from intending to ask any forbearance of the noble lord, nor do I think the question such as can make premeditation necessary. I am both now and at every other time prepared to debate this question with the noble lord, and with any other lord in this House. Nor do I expect any advantage to myself from the delay which I proposed. It can only, in my opinion, be of advantage to those who have such a cause to defend as they would not willingly expose to public examination. But, my lords, I hope it will not be thought unreasonable, to show some indulgence to the infirmities of the noble lord, whose health may be injured by the late attendance, and whose capacity is such as justly entitles him to respect, even from those who differ from him in their opinions, and for this reason, and this only, I desire that the House may be adjourned.

The Duke of *Newcastle:*

My lords; since so much time has been, by whatever defect on either side, spent without advantage, and as the noble lord may be incommoded by a longer attendance, I shall willingly agree that the House should be adjourned; nor shall I insist that any lord should undergo the mortification of appearing to desire it. The prudence and necessity of that part of the public measures, which are now to be examined, I know to be such as that it will be very easy at any time, and at any time equally easy to defend it: and, therefore, I would not appear to take any advantage of the absence of any lord who may be thought qualified to oppose it, but am willing that the debate should be prosecuted at the time most convenient for those whom I oppose.

Then the previous question was put, Whether the question so amended should be then put? and it passed in the negative; after which it was ordered, that the Estimates should be further considered on the Tuesday following.

*Debate in the Lords on a Resolution, That the continuing the Hanoverian Troops is prejudicial to the Interest of the King, &c.**] January 31. The order of the day being read for taking into further consideration the Estimate of the Charge of the Hanoverian Troops in the Pay of Great Britain,

The Earl of *Sandwich* rose and said:†

My lords; as the present distraction and uneasiness of the people is such

* From the Gentleman's Magazine.

† The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

31st January. The audience from without doors was not at all the less for the

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as may justly alarm all those, whose birth exalts them to the privilege of superintending the public welfare, or whose fortune interests them in the security of the government, by which they are protected in their possessions, and the continuance of those laws by which property is ascertained; as discontent is now grown clamorous, and misery is no longer submissive, it is time to enquire into the causes of the evils

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disappointment they had met with the Friday before.

Lord *Sandwich* introduced his motion by saying (amongst other things) that till the subject received their lordships' final determination, he was resolved it should appear, Proteus-like, in fifty various shapes; and that he desired to be transmitted to posterity as one that had zealously contended against all Hanoverian projects, and that entirely out of affection to the royal family: He then moved to resolve, "That the continuance of the 16,000 Hanoverian troops in the pay of Great Britain was a measure prejudicial to his majesty's true interest, useless to the common cause, and dangerous to the peace and welfare of the nation."

The Duke of *Marlborough* only said, that for the reasons urged by lord S. and from what he observed himself whilst he was abroad in the army, he must second the motion.

Lord *Tweedale* enlarged upon the general measures, but said little or nothing as to this particular question.

Lord *Westmoreland* made a long heavy speech, in the conclusion of which he took up what general Wade had thrown out in the other House, of the preference which for the good and quiet of the service, the duke of Marlborough used to shew to the foreign officers, called it a monstrous assertion; that he had served longer and in a higher station under that duke, and could affirm the contrary; that the favour of the foreign generals with their own masters arose from the credit they were in with him.

Lord Raymond was *pro more satis futilis.*

Lord *Carteret.* Unheard-of proceeding to disband troops which are within six weeks of taking the field, in case the French, who are making great preparations along their frontiers, should open so early a campaign:—it will be surrendering at discretion to France. The king's interest as elector of Hanover directly opposite to the part he has taken as king of England:—well known, he might have added to his foreign dominions at the price of abandoning the House of Austria;—has out of regard to his honour, and the lasting interest of his crown, staked Hanover on an English bottom;—will you refuse to avail yourself in your own cause of the strength of the former?—The factions say Hanover and England are in competition. It will come if you do not support the great works you are engaged in, by retaining these troops to lie between Hanover and home.—Cry of the people strongly at the beginning for vigorous measures, as sensible that their commerce and power depended on their withstanding the ambition of France, and holding the balance: their present discontents have been occasioned by wicked and groundless misrepresentations: does not doubt they soon will return to their former sentiments, according to a remark of the duke of Marlborough's, that the English may be for a time misled, but will come back again into the right way sooner than any people upon earth.

Lord *Halifax.* We are in a condition to defend the Netherlands against France without these troops, and to form an army of 50,000 men there, whilst the queen of Hungary may act offensively if she pleases on the Rhine. In case France should attack the barrier the Dutch must come in *totis viribus;* if they send their troops into Germany, it must be, as before, to their own loss. Recapitulates the facts mentioned before: adds, that the Hanoverian generals were always preferred to the English in command, against the military rules. General Ilton commanded the English guards; general Somervelt the detachment sent to Hoechst after the battle; general Druchleben that which covered the demolition of the lines of Germersheim.—Alludes to a saying of lord Carteret's, whilst in opposition, that the Hanover rudder could never steer Great Britain:—that noble lord might think so then, but is afraid (as somebody says in the Mock Doctor) "that the heart is now another way."

Lord *Cholmondeley.* Not room enough in the first line to admit 4 battalions after it was formed.

Lord *Lonsdale.* Endeavoured to shew by a pretty long deduction, that France is too well covered by strong towns and numerous armies to be attacked,—that we

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so generally felt, and to find a remedy for the distempers of the state, before delay has made them incurable.

The cause of this general outcry it is vain to endeavour to conceal, nor is it without great satisfaction, that I find those, who appear convinced how much it is their interest to hinder an enquiry into the late measures, obliged to grant to shame, what they would probably have refused to justice, and forced, after all their subterfuges, to consent to an enquiry into the expe-

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should not take any part in the affairs of the continent by acting with land armies, unless the Dutch will accede under proper stipulations, as they did in the last war; else this country will be soon exhausted; the same strength if necessary may be supplied either by other foreign mercenaries, or else partly from our present large military establishment at home, and partly from abroad, consequently these troops useless as well as unpopular and dangerous.

The Duke of *Newcastle*. Speaks to the necessity of continuing our support to the queen of Hungary, or she may be overrun once more by France, and lose what she has regained of her own dominions, as well as what she holds *jure belli*. That the Dutch have agreed to the auxiliary corps of 20,000 for next year, and to keep the same number of men in readiness to march upon any emergency.—Does not doubt but proper representations have and will be made in relation to the grounds of the dislike to these troops, that the generals will go over with a resolution to use their utmost prudence and caution to prevent all jealousies and heart-burnings amongst them, and that by this means they may be brought to act together in perfect harmony.

Lord *Morton*. Foresees great inconveniences on both sides of the question; those that will attend its passing weigh most in his opinion; thinks the first taking these troops into pay a temerarious measure, however necessary it is now become to continue them. A general officer of great credit, whose sentiments would have determined his vote, to-day, told him in private he thought the British and Hanoverians not incompatible from any thing that passed the last campaign, provided care was taken for the future.—Acknowledges their unpopularity to be a strong argument against them; the minds of the people are poisoned by those infamous and treasonable libels which are levelled directly at the highest person in the kingdom;—the abuse on the part of the present administration a just judgment of heaven upon them for encouraging it when they were in opposition against a minister, whose candour and ability will make the whole nation feel and regret their having clamoured for his removal.

Lord *Chesterfield*. Calls back the question to its right point,—the danger and uselessness of employing these particular troops: displays his eloquence on the indignities the English suffered from the mercenaries:—the crown of three kingdoms shrivelled beneath an electoral cap. Other troops may be had if wanted, those of Cologne have been offered.

Lord Chancellor spoke very well.

Lord *Bath*. If all the facts mentioned about these troops were true, though he does not doubt many are exaggerated, others false, (gives an instance of the latter in what was advanced of the Hanoverian battalion in the wood from his brother general Pulteney*), yet does not see how they can be now dismissed. Will disarming ourselves and suing to France for a peace be the way to obtain one? Appeals to that noble lord, whether if he was sent ambassador to that court, his utmost address and insinuation could prevail upon them to let us be quiet, after we had weakened our force. Compares the queen of Hungary's security to that which a mistress of a family would be able to enjoy, who, after having been attacked by street robbers, should by the assistance of the neighbourhood drive them out of the house, but pursue them no further than the street door. Whatever divisions reign in England, danger from abroad never fails to make them unite. Tells a story he has somewhere read of a French minister, who to convince his master (then meditating an invasion) of this truth, entertained him with a combat between two English bull dogs; they handled each other pretty roughly, till a bull stalking proudly and tyrannically into the arena, gave a new turn to the fray: they suspended in a moment their mutual animosities, and jointly attacked the common enemy with united vigour.

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* Which was to the same effect with what Onslow said in the House of Commons.

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diency of continuing the troops of Hanover in the pay of Great Britain.

This, my lords, is no trivial question, nor are the consequences slight which may be expected from your determination. We are now, my lords, about to debate, not upon the extent of powers or of privileges, not upon the just proportions of a tax, or the expediency of the provision required for the service of the year; questions in which particular persons, or separate bodies are only interested, or of which the influence is of short duration; we have before us, my lords, far greater considerations; it is now to be determined, whether our country shall be henceforward a kingdom or a province, whether we shall any longer enjoy the power of prosecuting our own interest, and whether our posterity shall be born to liberty.

These, my lords, are considerations, at which the more indolent must awaken, and the most profligate relent; these are evils on which no man can look with indifference, who does not propose to receive advantage from the public calamities, and, therefore, it may be reasonably hoped that all those who consider themselves members of the community, and expect to share happiness or misery with their fellow subjects, who have no hope of exaltation from the disgrace, or any expectations of wealth from the poverty of their country, will concur with me in a steady and resolute effort, to shake off the burdens which have been already laid upon us, and to destroy those projects which have been formed for continuing their pressure upon our latest posterity.

From this attempt, my lords, let us not be deterred by the insinuations, the clamours, or the menaces of those who appear to think, and endeavour to prove that there is no other public virtue than loyalty to their sovereign, and who conceive themselves practising the highest and most laudable degree of loyalty, when they comply blindly with every caprice, and submit tacitly to every disgrace, when they pay their court at the expence of their honour, and sell their posterity for a smile, or their country for a bribe.

For my part, my lords, I have always believed, and have yet discovered no reason for changing my opinion, that there is likewise such a duty as loyalty to my country, that I am to practise every virtue in concurrence with other duties, and that, as I am not to destroy my prince to gratify any sudden disgust, or casual suspicion of the people, so I am not to sacrifice the people to the passions of the prince, and that I am at once to consider myself as a subject and patriot.

These characters, my lords, however they have been considered by corruption and servitude as contradictory and destructive of each other, appear to me very consistent, and easily practicable, at the same time, and on the same occasions. For I cannot conceive that the interest of the king and people can ever be different, or that, if they are both honestly informed and advised, they may not both be gratified by the same conduct.

It appears to me, my lords, that the interest of a just governor must for ever be the same with that of the people, because he must know, that for the benefit of the people alone he is entrusted with power. The present royal family must, at least, be convinced, that they owe the crown that they possess, only to the zeal of Englishmen for their liberty; and must therefore reflect, that they ought to discharge the trust conferred upon them, by protecting and securing those rights which were considered as so valuable, that the order of succession was changed, and those princes, by whom it was imagined that our liberty would be endangered, were debarred from that claim to which their birth gave them pretensions.

It has been, indeed, sometimes the artifice of villainy, and at other times the refuge of weakness, to instill into the minds of British princes maxims inconsistent with those great, those irrefragable principles, but with what consequences it is well known. It is well known, my lords, that those doctrines have been confuted by the universal voice of the people, and that neither those who taught, nor those that followed them, have very frequently been suffered to boast of their schemes, which have sometimes been blasted in the bloom by timely impeachments, and sometimes destroyed when they were almost matured, by insurrections and tumults; they have produced sometimes wars, and sometimes treasons, and have brought upon their authors sometimes the axe of the executioner, and sometimes the poniard of the assassin.

That the persons now entrusted with the administration have any settled and deliberate intention of enslaving their country, that they have bargained for our posterity, or set our liberty to open sale, that they have purchased their preferment

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by any promise to exalt the power of the crown, or to connive at the ignominy, or to increase the burthens of their fellow subjects, I would not be understood to assert; but this, at least, may be safely affirmed, that they have hitherto not exercised their authority in such a manner as may incite us to enlarge it, nor employed their influence with such zeal for our happiness, our wealth, or our reputation, as can encourage us to wish its increase; they have, at least, given occasion to suspect their integrity, by measures too grossly opposite to the interest of England, to be supposed the result of ignorance or error; and have deviated from a path so easy to be found, that they have given no reason to believe they have not wandered in the dark, but have rushed designedly upon precipices, in hopes of destroying those who followed them to observe their conduct. They might hope, if they could not destroy them, to bewilder them at least, and to oblige them to submit to their direction in a track that was, in reality, equally unknown, and equally intricate to the guide and to the follower.

Of these measures, my lords, none has more justly or more generally alarmed Englishmen than the contract made with Hanover for auxiliary troops, by which they are hired at a price, neither paid nor demanded in any former time, and which appears to have been given them, not because they are more brave or more faithful than any other troops, but because they are the troops of the elector of Hanover, and because the elector of Hanover is king of Great Britain.

If there was any necessity, my lords, of auxiliary troops, why was it thought expedient to retain those for which the highest price was demanded, at a time when the nation groaned with the weight of taxes, and languished under the pressure of debts which were very little diminished in the long peace, and which therefore must, by the expences of war, be very much increased?

If the price of military service has risen, and all the troops which could have been hired were equally dear, the Hanoverians should at least have been the last, which they endeavoured to procure; for it is natural to Englishmen to be jealous of all foreigners, and that natural jealousy must be heightened by the peculiar condition of the Hanoverians, who have the same prince, though not the same interest with themselves, and of whom they might therefore justly fear, that they would be preferred, whenever the rival interests should equally operate.

It was generally known, my lords, that England has hitherto gained nothing by this particular combination with Hanover, but the mortification of seeing the annual departure of her sovereign from his regal dominions, and to hear of his triumphant entry into his original possessions, and the pleasure with which he seems to congratulate himself upon the sight of his native country, which, however mean and contemptible in itself, has had the honour of sharing, with Great Britain, the residence of their common sovereign, and has been distinguished by marks of fondness, to which this nation, this powerful, this rich, this celebrated nation dares not aspire.

We have seen, my lords, and have had the loyal patience to see with silence, the wealth of this nation, that wealth for which our manufacturers labour, and our sailors defy the ocean and winds; that wealth, which is either the gift of bountiful nature, or the profit of incessant industry, squandered in projects, which had no other tendency than to extend the bounds, and improve the interest of Hanover; we have seen troops hired by the king of England, which could be of no use but to the elector of Hanover: we have seen dominions purchased with greater sums, than that wretched province had in any foregoing period of time been able to supply; we have seen the barren mountains adorned with palaces, and the bare soil laid out in gardens, of which the expence has not been thought very consistent with the electoral revenues, and which none of the predecessors of our late monarch would have adventured to plan, or have attempted to execute.

This preference has been indeed sufficiently offensive, but not very injurious to the British nation; and, however inclinable to sedition they have been represented, by those whose conscience exposed them to fear and suspicion; however they have been censured for disregard of majesty, by those whose natural meanness, or habitual servility, incline them to stile liberty rebellion; they have shewn that they do not seek occasions of complaint, but can sometimes connive at indignities, even when offered by those from whom it is least reasonable to expect them, can know themselves neglected and despised by princes whom they have voluntarily exalted to dominion; and while this neglect produces

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no consequences immediately formidable, can wait with patience till time and reflection, and wiser counsels should reform that error, which is too frequent in the best minds, of paying more regard to natural than to rational motives, and obeying rather the impulse of passion than the dictates of duty.

These, my lords, were not the greatest provocation which they have tamely suffered; they have likewise known, what they seldom presumed to affirm, that the plan of foreign negociations was formed with regard only to the interest of Hanover, and that nothing was granted or denied to any foreign power but that the interest of this favourite province might be promoted, and that the neighbouring princes might be induced to protect, or made unable to invade it; they knew the general scheme which has been constantly pursued, of enriching and aggrandizing Hanover; and knew, likewise, that this wealth and greatness could not be easily attained but by impoverishing and weakening Great Britain.

All this, my lords, has hitherto been borne, and might have been borne much longer, had our ministers been, like their more prudent, or more timorous predecessors, content to have proceeded by slow degrees, and, at least, have affected to hide their purpose, even when they knew, that the affectation of secrecy was of no other use than to shew that they are in some awe of the public, and that they have no intention of aggravating crimes by insolence. But our present ministers, impatient of the restraint of hypocrisy, and not only resolved to violate their trust, but to defy justice, throw off all appearance of regard for their country, and, from the first instant of their advancement to the high stations in which we now behold them, declared themselves zealous only for the interest of Hanover, and determined to consider their native country as of no other value, than as it may contribute to the advantage of the Hanoverian dominions.

In pursuance of this laudable resolution, they have engaged in such measures as have filled the whole kingdom with just indignation; they have not only sacrificed the riches, but the honours of England; not only plundered us, by unnecessary taxes, but disgraced us by such ignominious and reproachful treatment as was never heard of before, such as could scarce have been invented to mortify a conquered enemy, and such as nations, long accustomed to slavery, would scarcely have forborne to have punished with the severest resentment.

Such, my lords, has been the treatment that we have received in the late campaign; the honour of which, if any honour was obtained, must be allowed to be due to the British alone, even by their greatest enemies, the British ministers.

It is with great reluctance, my lords, that I find myself obliged to enter into a detail of some of the insults which we received, and received from our own mercenaries the troops of Hanover; for I cannot, without the utmost regret, revolve the disgraces of my country, nor do I willingly forbear, whenever they are recalled to my mind, to divert my attention to more pleasing ideas, and turn upon that valour by which the French were repulsed, when they rushed upon our army in full confidence of victory, on that day which shewed how unnecessary all foreign assistance will be to the armies of Great Britain, and how little confidence is to be reposed in the troops of Hanover; that day, which may teach us to depend upon our own force, and if ever we find assistance, at least, to hire it from some other nation.

Such, my lords, are the reflections with which I love most to entertain my own imagination, and such I would gladly offer to your lordships, were it not necessary that they should give way at present to other sentiments, to sentiments of indignation and resentment, and to resolutions of maintaining the honour and independence of our country.

It may be hoped, my lords, that these sentiments will be adopted, and these resolutions formed by every man who hears, what is echoed through the nation, that the British have been considered as subordinate to their own mercenaries; mercenaries whose service was never rated at so high a price before, and who never deserved even the petty price at which their lives used to be valued; that foreign slaves were exalted above the freemen of Great Britain, even by the king of Great Britain, and that on all occasions, on which one nation could be preferred to the other, the preference was given to the darling Hanoverians.

When the quarters were to be assigned, care was always taken that the Hanoverians should be commodiously stationed, and that the miseries of scanty meals, and hard lodging should be confined to the worthless British; this instance of par-

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tiality was so frequent, that in all the marches of the last year there was only one exception.

When the king of England arrived at Aschaffenbourg, the Hanoverians had, to the perpetual contumely of Great Britain, the honour to be stationed about him as the guard of his person, and were continued in that post till the spirit of England rebelled against oppression. Complaint was at last made, and the British recovered the right of guarding their own sovereign; and, indeed, it appeared in the battle, that they were the only guards by whom he could be defended.

It is urged, my lords, in vindication of this infamous conduct, that the British guards were not at first arrived there; but this excuse is by no means such as is necessary for the reparation of the honour of England; for though the guards were absent, any marching regiment ought at that time to have supplied their place, since it will not surely in this House be denied, that any freeborn Englishman ought to precede a hireling of Hanover, a wretch that fights not in his own quarrel, but is sold to the slaughter, and who, though he takes the pay of a soldier, and, what is yet more provoking, of a British soldier, disgraces the arms which he carries, and deserves not to be ranked in the same battalion with those in whose service he is engaged; yet such were the men, my lords, who preceded our gallant countrymen in every place, but the field of battle.

On the day of the engagement, my lords, the British received a new mortification; a mortification, which troops, less zealous for the honour of their country, and the safety of their sovereign, would perhaps have resented by laying down their weapons, or standing without action while the enemy should rid them of their burdensome associates. The order of military appointment gave that day the command of a large body of forces to a British general, who, for no other reason that could be discerned, than that he was not an Hanoverian, was set aside, and the command given to an officer of Hanover.

Such, my lords, was the partiality by which men, who do not deserve the name of soldiers, were dignified with those honours to which our countrymen were entitled, and from which we ought not tamely to suffer them to be debarred; for I, my lords, cannot yet learn the modern maxim that those who hire troops ought to give the precedence to those who receive pay from them, or that freemen ought not on all occasions to be preferred to slaves. I cannot deny, my lords, that I am yet so unfashionable as to desire the propagation of the honour of Great Britain, and to resolve to defend it against all those who shall attempt to obscure or diminish it.

That the diminution of it has been attempted is evident, and, therefore, it is, in my opinion, necessary that we should all unite in its recovery and preservation; I am at least resolved to do my duty on this occasion, and, if I cannot preserve my country, to enjoy the satisfaction of having laboured for its preservation; and though I may be crushed by its fall, I shall bear with more patience my share of the common calamity, supported by the consciousness that I have not conspired to hasten it. I move therefore, my lords, that it be resolved, "That the continuing 16,000 Hanoverians in the pay of Great Britain, is prejudicial to the true interest of his majesty, useless to the common cause, and dangerous to the welfare and tranquillity of this nation."

The Duke of *Marlborough*:

My lords: as the motion made by the noble lord appears to me seasonable and just, and as I am convinced that by complying with it, we shall promote the happiness of our country, retrieve the honor of the British name, and advance the service of his majesty, I rise up to second it.

I shall not attempt to add any weight to the arguments produced on this occasion by the noble lord, nor shall I dwell long upon the evils which this motion has a tendency, in my opinion, to remove; but shall declare my sentiments, in a few words, with plainness and with sincerity, and shall content myself with obeying the dictates of my own conscience, without endeavouring to recommend my conduct to the imitation of others, farther than by declaring my wishes, that I may find that opinion prevail, of which I show, by espousing it, that I think it right.

That the continuance of the Hanoverian troops in our pay, is looked upon by the whole nation, however in other respects divided in their sentiments, as a hateful and ignominious burthen, is known to every man, who listens to the murmurs of the people, or who converses with an intention to collect the suffrages of the public. It is not possible to mention Hanover, or its inhabitants, in any public place, without

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putting the whole house into a flame, and hearing on every hand expressions of resentment, threats of revenge, or clamours of detestation. Hanover is now become a name which cannot be mentioned without provoking rage and malignity, and interrupting the discourse by a digression of abhorrence.

This universal disapprobation of these troops is, in my opinion, a sufficient reason for discharging them from our service; for since the people must, for the support of the war, pay taxes which will be, without any aggravation, sufficiently burthensome, we ought not to imbitter misery, or to add to the grievance of double taxes, the mortification of seeing them spent in supporting those from whom they that pay them are convinced that no useful service is to be expected; whom they detest more than the enemies against whom they are employed, and whom they consider as vermin, by which the gain of our trade, and the produce of their lands are devoured, and devoured without recompence, and without merit.

But it may be added, my lords, that this disapprobation is not only general but just, and that the conduct of the Hanoverians has so much exasperated the British forces against them, that no service is to be expected from the combination of the two armies, nor can they act in conjunction, without danger, lest they should turn their arms against each other, and leave the public cause for personal revenge; for the animosity subsisting at this time between them is such, as cannot be extinguished without bloodshed.

It is well known, my lords, that when men are accustomed to think of each other with detestation, a trivial quarrel is sufficient to produce contention; and what is true of mankind in general, is yet more eminently observable in soldiers, who are taught to think more highly, and talk more vehemently, than other men, of honor and reputation, and who, as their trade is destruction, and an instrument of revenge is always at hand, are for the most part easily provoked to violence, and think their enemy can never repair an injury, but with the loss of his life.

This temper, my lords, must very frequently appear, whenever the British and Hanoverians shall be combined in any expedition; it cannot be supposed that occasions of contest can be wanting in the operations of a campaign, and as no occasion will be suffered to pass by, it may be reasonably concluded that the camp will become a scene of slaughter, and that more will perish by the weapons of their associates than of their enemies, and that every man will find employment for his sword in his own private quarrels. For this reason, my lords, I think it my duty to endeavour the prevention of such an improper combination; and as I think nothing can more promote the success of his majesty's arms, than a separation of these jarring troops, I shall vote in favour of the motion.

The Earl of *Westmoreland:*

My lords; it is a principle universally received, that when foresight fails, we must be directed by experience; that when the event shows us that we have proceeded upon false opinions, and unreasonable expectations, we must rectify our conduct as soon as we can; that we must not suffer evils to encrease by neglect, till they become insusceptible of remedy, nor error to beget error, till it is impossible to disentangle the complication, or to recover the true paths of wisdom and of safety. In order to the amendment of erroneous measures, it ought always first to be enquired from what cause the mistake proceeded, by what delusive appearances our judgment was misled, and by what fallacies our penetration was eluded. We must consider error as a distemper of the mind, which, like all other diseases, is only to be completely and permanently cured, by removing and counteracting its original cause; and the discovery of this cause is, therefore, to be our earliest attempt.

That we have for many years been entangled in a snare of false politics; that we have been endeavouring to correct one blunder by another, and heaping follies upon follies; that we have been labouring against the apparent and invariable interest of our country, and have exhausted our treasures, and employed our negociators only to aggrandise our enemies, and to incite insults and depredations; that we have, at the expence of annual millions, been purchasing only contempt and reproach, is evident to all who compare our present with our former state; who have attentively observed the measures which have been formerly applauded, or who understand the scheme which has been lately formed, and of which our ministers now profess themselves labouring to facilitate and ascertain the execution.

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These schemes, my lords, are so evidently opposite to that which was for many years before pursued, that one of them must certainly be wrong, and the consequences which we are taught to expect from the present plan are so important, that contrary designs could not have been pursued without the utmost hazard of the public happiness.

It is, therefore, apparent that our measures have hitherto been contrary to the interest of the public, and that the affairs, which they regard, could not be improperly conducted without the utmost hazard; it is at least apparent that this is the opinion of the present ministers, because they are employing all their abilities in obviating the procedure of their predecessor. Yet, my lords, how shall we reconcile one part of their conduct with the other? Or to what cause shall we impute it, that the man, whose whole system is thus openly condemned, whose maxims are thus publicly rejected, and whose measures are declared to have been such as have involved his country in all the calamities of a too expensive and sanguinary war, is suffered to retire from those employments, which he has so wickedly or so unskilfully discharged, with all the rewards of wisdom and integrity? Why is he allowed to grow rich by impoverishing the public, or to exalt his rank by conniving at the disgrace of his country? Why does he set his enemies at defiance, and sit down in the sunshine of royal favour, graced with all the ornaments that can be bestowed upon the patriot or the hero.

I hope, my lords, the time will at last come, when this enquiry may not be thought unseasonable; and when the nation may find that its wrongs are not forgotten, and that corruption cannot operate to its own security; but at present, it is perhaps more immediately necessary to enquire, by what principles this minister, whose folly and wickedness have been so often censured, was depraved, or misled; by what fallacies he was deceived in his transaction of our affairs, or by what motives he was induced to betray that trust which was conferred upon him: and, when we have traced the original cause of his errors and his crimes, it will be our duty to examine, whether the same cause does not yet continue its operation? whether his measures, and those of his successors, however opposite they may seem, are not dictated by the same intention: and whether the end of both be not the same.

It is well known, my lords, that the design which was formed, soon after the accession of the present royal family, and which has been since unvariably pursued, is the improvement and extension of those dominions which belong to our monarch, as elector of Hanover. With this intention were all our negociations carried on; treaties were made with some princes, and annual remittances conveyed to others; and plans were formed, by which the electorate of Hanover might be exalted from a petty principality to a powerful state, and might rival some of the most formidable powers of Europe.

But unhappily, my lords, the elector found his designs by no means favoured by the House of Austria; which, considering the imperial dignity as its hereditary right, hath found means, for some centuries, to secure the succession, and therefore naturally opposed the coalition of the small states; because, it has been long known, that the imperial authority was little regarded, but by those who found themselves unable to resist it; and it was far more easy to govern ten petty princes, whose views and interests, and alliances, were different, and whose caprices and passions inclined them, perhaps oftener to promote than hinder the oppression of each other, than one whose dominions made him formidable alone; and it was therefore the policy of the emperors to divide, rather than consolidate dominions.

For this reason, the emperor remarked, with no great satisfaction, the growing greatness of the Hanoverian House; and defeated a design that was formed, of adding a large principality to the electorate. It was then determined, that reprisals should be made; that the king of England should revenge the opposition made to the elector of Hanover; that if Hanover was not suffered to be greater, Austria should quickly be made less; and the electoral dominions should soon perceive, that it was not without an ample recompence, that they were deprived for some time of the presence of their prince.

With this view, my lords, alliances were formed, by which the emperor was weakened: with this view the people of England were confidently told, that their interest had been neglected by former ministers, and the House of Austria permitted to attain such an exorbitant extent of dominion, and such an extensive and overpowering influence, that the liberties of Europe were in danger, and that it was

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necessary to place some of those territories in better hands, by conferring them upon the princes of the House of Bourbon.

Thus, my lords, in opposition to the visible and certain interest of this nation; in opposition to all the remonstrances of wisdom, and the exclamations of zeal, was the House of Austria every day embarrassed with new demands, and distressed by new enemies; till, at last, it was no longer able to support its ancient dignity, or maintain the liberties of the continent, against the ambition of France.

Our ministers easily perceived the necessity of altering measures so apparently pernicious; and of reprieving their country, though they could not resolve to save it. They saw, that if that patient packhorse, the English nation, was to be loaded with new burthens, it was at least necessary to find some new pretences for laying them on; and therefore pretended an unusual zeal for the House of Austria, and declared, in the strongest terms, their resolution to support our ally. They spoke with the highest reverence of the illustrious princess who inherits the Austrian dominions; recounted her misfortunes in the most pathetic language, and endeavoured to awaken a kind of national compassion, which might incline the people to contribute willingly to her assistance.

Who, my lords, at least who that had not been very nearly acquainted with ministerial practices, would not have imagined that our measures had been changed with our directors; that we were now to resume, once more, the arbitration of Europe; that we were again to repress the insolence of France, by the most effectual and compendious methods; restore the House of Austria to its ancient splendor, and act with no other motive than the interest of England? This was vehemently affirmed; and this was so much desired, that it was for a time believed; and the spirit of the nation was revived, by the expectation of honest and vigorous proceedings. It was again hoped, that we should be acknowledged the deliverers of mankind; and should again see the ambassadors of the neighbouring powers soliciting for peace.

But we were not suffered long to enjoy this pleasing delusion, or to delight ourselves with the imagined probity or wisdom of our ministers; nor indeed has the nation any other reason to commend them, than that they did not long endeavour to appear other than they were, but, with intrepidity never known before, threw off even the disguise of patriotism, and seemed determined no longer to submit to the drudgery, which politicians have hitherto thought indispensably necessary, of appearing to study the advantage of the public, or of palliating those designs which were inconsistent with their duty. They quickly discovered their resolution to prosecute the design of aggrandizing Hanover, and to pay their court more successfully than their predecessors, resolved upon more expeditious and open methods of transferring thither the wealth of England, and of turning into those happy provinces torrents of that gold which had hitherto entered only by secret channels.

Full of this wonderful, this virtuous, this laudable design, they projected a contract for 16,000 of the Hanoverian troops to be employed in the service of England; by this contract, my lords, it was not only stipulated, that they should receive larger pay than was ever demanded in any former time, when they were more necessary, and the wealth of this nation was far greater; but it was likewise agreed, that the elector of Hanover should receive levy-money, though it is well known, that not a single soldier was raised on this occasion, and that, like all the other princes of that country, he has constantly kept in pay a large body of forces. Their pay commenced likewise a considerable time before they entered upon their march, and when, at last, they did march, it was known that, by the constitutional laws of the empire, they could not act against the chief enemy of our ally.

When these considerations are united; when it is observed that troops were hired at a greater price than in any former time; that their pay began even before the appearance of their service; that at best they could serve us only in appearance, and be drawn out to swell our numbers on a festival, and fill up our quarters, and devour our victuals; and that for levying these men a very large sum was allowed, though they were levied before; I hope I need not use any arguments to evince that this contract was a job, a mean, despicable job; a job invented only to enrich Hanover, and by enriching Hanover, to recommend the minister to a job to plunder the nation, and to advance the fortunes of sycophants and prostitutes.

I hope, my lords, I shall be forgiven if my indignation has transported me to the use of some expressions which, upon any

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other occasion, might be justly censured. For, my lords, my natural hatred of a job leaves me not sufficiently master of my temper. For common failings I have some compassion; error I readily pardon, as the defect of human nature; and crimes, when they do not arise to excessive enormity, and can be imputed rather to sudden passion than deliberate perfidy, I can often pass over, without any uncommon vehemence of indignation; but when I come to reflect upon a minister who aspires to power for purposes to the highest degree detestable, and spends half his life in labouring for advancement, not that he may alleviate the public miseries, but increase his private fortune by increasing them; not that he may promote, but obstruct those designs which he has always professed; not that he may serve, but that he may betray his country: when such a man practises his arts of extortion in the open day, and contrives hourly new jobs for the gratification of his own avarice, I cannot speak without the warmest emotions, nor can forbear to mark out his conduct in such terms as my heart suggests to me.

These Hanoverians, my lords, thus dearly hired, and thus debarred from any real service, were nevertheless haughty and insolent, to a degree wholly insupportable; and soon discovered how fully they were assured of the predominance of that affection, which is the effect of early impressions, and how much they were, in their own opinion, superior to the authority of British officers, and how little they stood in fear of punishment, on whatsoever occasions they should neglect their duty. And, indeed, it quickly appeared that they had not mistaken in their calculations of their own interest; for no sooner did his majesty arrive at the camp, than the British general was divested of all real power, and suffered to retain only the name of a commander. The man so long celebrated for his courage, his wisdom, and his integrity; the man who had so frequently signalized his zeal for the present royal family, was reduced to a statue, with a truncheon in his hand, and was permitted only to share the dangers and hardships of the campaign, of which the electoral divan regulated the operations. It may easily be imagined, that our mercenaries were not long insensible of their own felicity; nor were they, by any means, dilatory in taking possession of the advantages which it conferred upon them; for they claimed, on all occasions, superiority and precedence, and on almost every claim had the pleasure of being gratified.

To enumerate all the instances of partiality with which the English were mortified, would be equally tedious and unpleasing. The unjust assignment of quarters has been already mentioned, and, with many other instances of the like treatment must be allowed to be true, because they are not denied. If those, my lords, who have served in the late campaign, believe or know them to be false, let them not suffer us to proceed upon groundless rumours.—I find no lord rising to confute these assertions, and am therefore confident that they cannot be confuted; and who then, my lords, can restrain from indignation; who can see that Hanoverians were, by the king of England, preferred to the English, without declaring his abhorrence of the despicable, the hateful, the servile wretch, who could dare to give his sovereign such pernicious advice? Advice that might have provoked the troops to an universal mutiny, and determined them to lay down their swords on the day of battle? Who, my lords, can, without the utmost violence of resentment, hear that the safety of the sovereign of England was entrusted to Hanoverians, to mercenaries, to slaves; and that the English troops were, upon a pretence too trivial to be named, refused the honour of defending their monarch, whom they had always so faithfully and zealously served?

It has been asserted, as I am informed, by a man now exalted to uncommon trust, and invested with great authority, that in the wars of the reign of queen Anne, when our armies consisted of troops hired from other powers, it was the practice of the duke of Marlborough, when any dispute between the English and their associates arose, to determine it in favour of the mercenaries. This, my lords, is an assertion which cannot be heard without amazement, at least by me, who entered very early into the army, and had opportunities of knowing the conduct of that illustrious general, by means more certain than the flying reports that were scattered through the ranks, or the mean conversation in the tents of sutlers; and I now, my lords, declare, with the utmost sincerity, in this august assembly, that this position is absurd, shameless, and false, as it will appear to every man that shall attempt to examine it.—One instance of the conduct of that wise, great, and successful

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general is too remarkable to be passed over. The present king of Sweden, then an officer in the confederate troops, was for some neglect of his duty, put under arrest by the English general, who for some time designed to dismiss him from his command, but at last was contented to accept his submission, and when he came to acknowledge his offence, maintained his superiority, by receiving him sitting. Such, my lords, was the procedure of that man, who, after having been so long an honour to the English name, is now falsely stigmatized as a favourer of foreigners. Such will always be the behaviour of those who honestly study the honour of their country, however different may have been the principles or practices which prevailed in the late compaign.

On one occasion, indeed, it must be confessed that the post of honour was willingly given to our countrymen, and that the precedence which they obtained was not envied them. On the day of battle, my lords, when it appeared that the French prepared to attack us, it was contrived, with the utmost caution and prudence, that the Hanoverians should be placed at the greatest distance from danger; and that the English should sustain the fury of the attack. For who, my lords, ought to be exposed to slaughter, but wretches whose lives were not worthy to be preserved? Or of whom was it so convenient to lessen the numbers as of stubborn freeborn Englishmen, who had from their infancy conceived a notion of rights and privileges inherent and unalienable, and therefore conceived themselves entitled to justice, when it might not happen to please their superiors to grant it? For this, or for some other interest equally honest, equally laudable, the English were obliged to stand alone in the shock of battle; and it will not be denied that they stood like the descendants of the conquerors of France; that they made such resistance, as shewed that neither their courage nor loyalty were extinguished by oppression; and that they deserved at least as much confidence as the Hanoverians, who remained intrepid in the rear, where they could not be attacked, and, perhaps, thought themselves conquering France, while they stood idle witnesses of the English valour.

At length, my lords, the Hanoverians, desirous of partaking the honour of the victory, without the danger of the contest, began, when the enemy retreated, to move forward under the shelter of the approaching night, and at least, may be said to have appeared in the field, though for no other purpose than to number the dead. Such, my lords, are the warriors who have been thought worthy to engross the favours of the king of England; such are the men who have been enriched by our taxes, and who insulted and despised us, while they fattened by our pay. As no man can think it reasonable that such indignities should be any longer borne, I shall vote in favour of the motion, and hope your lordships will concur with me, in supporting the honour and independence of our country.

Lord *Raymond:*

My lords: though the noble lords have expressed themselves with so much vehemence, that they seem inclined to suppress enquiry, and intimidate opposition, I cannot but declare that their oratory, however pathetic, and their arguments however specious, have yet failed to produce upon me the effect which seems to be expected from them, and that I am by no means convinced of the expediency of disbanding the troops which have been hired from Hanover.

That the people of England are by nature or habit enemies to foreigners, is generally believed; but surely, my lords, this is not one of our native qualities of which we ought to boast; for, in the eye of reason, my lords, it is more laudable to make an estimate of a man by his merit, than by his country, and to enquire rather how he has passed his life than whence he received it? It has likewise been very studiously laboured, that to this general dislike of all foreigners should be superadded a particular hatred of the inhabitants of the electoral dominions, who have been described as our natural enemies, and considered as rivals for the favour of our sovereign. It was therefore well known, that any accounts of injuries suffered from the Hanoverians, would easily find credit among the people of this country; and those who were desirous of inflaming the nation, resolved not to lose such an opportunity of propagating discontent, and promoting clamour; accordingly, they took care to publish every report which had been accidentally spread in the army, and to omit no circumstance which might heighten provocation, and inflame resentment.

Thus, my lords, the people have been

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taught to hate the Hanoverians, and that hatred thus assiduously created, is produced as a reason for their dismission from the service of the public, at a time, in my opinion, very improper for the diminution of our army; at a time when our enemies are collecting their whole force, and preparing to enter the field, to regain what they have lately lost; to complete the ruin of the queen of Hungary, and, consequently, to put an end for ever to the liberties of Europe. I know not what may be the opinion of others, who, I hope, speak and act with the same sincerity as myself; but, for my part, I cannot but think it to the last degree ridiculous to propose the discharge of so large a body of troops when they are most necessary, without informing us from what part of the world we may draw an equal number, with such expedition as may enable us to oppose the first motion of our enemies. It appears to my judgment, more expedient to augment than to lessen the number of our troops, and therefore I think it my duty to oppose the motion.

Lord *Carteret:*

My lords; the question now before us, is, in my opinion, so easily decided, that I cannot but wonder that it should admit of any diversity of sentiments; for, surely, my lords, it can require no long enquiry, nor curious discussion, to discover that this is no proper time for weakening our army by the dismission of 16,000 men; or that, if we resolve to continue the war, it is necessary to maintain such a force as may at least leave the event doubtful, and afford us a probability of a happy conclusion, and of that which can be obtained only by success—an advantageous peace.

I should expect, my lords, rather to hear from those who appear resolved to support the motion, a pathetic and emphatical declamation upon the miseries and cruelty of war, and the happiness and security of peace, and an ardent exhortation to enjoy peace as long as we can; to disregard all the troubles and commotions of the continent; not to leave our own island in search of enemies, but to attend our commerce and our pleasures, and, instead of courting danger in foreign countries, to sleep in security, till we are awakened by an alarm upon our own coasts. This advice, my lords, would be, in my opinion, more reasonable than a persuasive to disband our army, and to attempt to carry on the war without force sufficient to secure us from becoming the sport of our enemies; for, certainly, my lords, it is better to enjoy peace, however precarious, than to carry on a war with certainty of defeat, and to rush into the field of battle only to be overborne by the numbers of our enemies.

The opinion of the noble lords who have spoken in favour of the motion, seems to be, that we are neither to fly nor resist; that we are to fight without any hope of conquest, or to expect it from some preternatural causes; that we are to neglect all the rules of war, and all the maxims of policy, and set our enemies at defiance, without any preparations that may enable us to oppose them. These positions, my lords, appear to me so contrary to reason, and this motion seems so unseasonable, that my acquaintance with the judgment and penetration of the lords who have defended it, scarcely permits me to believe that they can really desire it to succeed. For they cannot but know, that to comply at this time, with this motion, would be to yield up tamely all for which our ancestors and ourselves have so long contended; all for which the battles of king William and the duke of Marlborough were fought; and all which can secure our own independence, or the liberties of the continent: they cannot but know, that by disbanding our army, we should leave the French to ravage provinces without resistance, to establish garrisons in their new conquests, to extend the limits of their empire, and make half the princes of Europe the slaves of their pride, and the instruments of their usurpations. They know, that at present the state of the continent is such, that to effect all this, would not be the work of ages or years; that a few months would put kingdoms into their hands, and that they might arrive by a single campaign at power which would make all future hope of success, and all attempts of opposition, idle and ridiculous.

What then can be the motive upon which the noble lords so strongly recommended the diminution of our forces? What public advantage, or what private interest can they hope to promote by opposing measures which they cannot but approve? by embarrassing the ministry in a time of general danger, while they are sincerely and honestly labouring for the interest of their country, and the support of universal liberty? When the most powerful monarchy of the world is extend-

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ing its territories on every side, and apparently endeavouring to reduce all the neighbouring states to vassalage? Though, perhaps, for a time, every prince may be suffered to enjoy his titles, and retain the appearance of dominions, new encroachments will, upon various pretences, be every day contrived, new claims will be erected, and the French monarch will unite to his empire one province after another, till he shall become lord of Europe, and send his viceroys over half the universe.

I cannot but suspect, that a truth so certain and so obvious is equally known to others with myself, and therefore am not afraid to mention my private opinion of the motives which have incited the ardour of the noble lords, and raised such great and unexpected advocates for the present motion; a motion for which he that speaks may, indeed, hope for that praise of eloquence which is gained by an artful defence of an untenable position, but can never expect to propagate his opinions, or to convince his audience, however he may delight them with his imagination, his rhetoric or his mirth.

Popularity, my lords, is in itself not only pleasing, as every man delights to have those commendations which his own self-love whispers in his ears, confirmed by the suffrage of others; but it is likewise desirable for reasons which may be, perhaps, accounted of greater weight. Popularity, as it enables an individual to strengthen himself with the united power of the community, may very frequently, when it is joined with wisdom and integrity, produce effects of the utmost importance, and the highest benefit. It may enable a single man to stand against a torrent of oppression, to defeat a herd of sycophants, and to rescue his prince or his country from imminent destruction. To desire popularity is therefore both natural and prudent; nor do I consider those expressions of superiority to praise, which are sometimes to be heard from them who cannot attain it, as any thing more than the rants of disappointment, and an artifice to supply the place of that satisfaction which popularity affords.

I do not, my lords, wonder that the wisest and the best men should appear to desire the esteem of the people; that esteem, without which the most ardent virtue must sometimes languish in inactivity, and the most exalted abilities perish in obscurity; and as I cannot censure the pursuit itself, I am candid enough to think that those deserve some indulgence, who, to obtain what they may so justly desire, deviate from the strict rules of duty, and by too close an attention to the end, become careless with regard to the means.

I can, therefore, without impatience, hear the noble lords declaim against a numerous army, and complain of burthensome taxes, and unnecessary expences; for these are topics on which a declaimer may always find opportunities to harangue in such a manner as shall raise him high in the esteem of the people, whom he appears so affectionately to compassionate, and warmly to defend. It is impossible that he can want reputation who appears to live to no other purpose than to watch over his country, to guard it from indignities, and to free it from oppressions; who has no passion but the general happiness, and who never speaks, but to oppose those measures which, specious as they may appear to politicians, must be unpopular for a time, because the expence is immediate, and the advantage distant.

But, my lords, it ought to have been remembered, that all these complaints of taxes, debts, oppressions and poverty, either prove less or more than appears to be intended; they either do not prove that we should dismiss the Hanoverian troops, or they prove that we ought not on any occasion, in our present poverty and distress, to engage in war. For, my lords, it never can be shewn, by any art or eloquence, that we ought to make a weak and useless effort, and exhaust that little strength which we are represented to retain by faint and unavailing resistance. Either we are to sit still, or to act with vigour; for whatever may be the event of a successful war, it is certain that defeats are no remedy for poverty; and that if victory itself, as has sometimes been found, be not a compensation for the expence and blood by which it was obtained, what can be expected from slaughter and from flight, but that an insolent enemy will, in the rage of conquest, snatch from us that wealth which we have so unseasonably spared, and shew us, when repentance can be of no use, the absurdity of a parsimonious war, and the folly of attempting weakly, what it is more safe not to attempt than not to accomplish.

There are, indeed, some who seem to imagine that for us, who are surrounded by the ocean, and therefore are in very little danger of sudden invasion, to engage

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in the disputes of the neighbouring powers, or to regulate the distribution of dominion on the continent, is a sort of superfluous heroism; and who consider all the blood which has been lost upon distant kingdoms, as lavished in romantic expeditions, from which we are restrained by nature from receiving any advantage, and in which policy would therefore have directed us not to engage. It is their opinion, my lords, that we have no other task assigned us, than that of increasing our naval power, of extending trade, and accumulating wealth; and that, by the advantage of our situation, we may bid defiance to the rest of mankind; and from our rocks and our ships, look with unconcern and tranquillity upon all the commotions of the European kingdoms.

This system, my lords, exhibits such a train of pleasing ideas, that it is no wonder that many have adopted it; but a little reflection will show us that it is more pleasing than true, and that the security which it promises, cannot long subsist without fatal interruptions.

It is apparent, my lords, that the French monarchy has, either by the industry and valour of its inhabitants, the address of its ministers, or the negligence of its neighbours, arisen to such height of grandeur, such exuberance of wealth, and such extent of influence, as make it justly formidable to the rest of Europe. And it is no less apparent, that the designs which wealth and power naturally incite, of enlarging dominion, and depressing competition, have been long entertained by the French court. That these designs, which terminate in nothing less than universal monarchy, in the suppression of all the privileges, and the subversion of all the governments of the nations of Europe, should be defeated, is the unvariable and certain interests of all mankind; at least of all those nations which congratulate themselves upon the possession of liberty, and who therefore would by conquest not barely change their master, which is the case of the subjects of arbitrary governments, but would likewise change their condition, and lose the most valuable of all blessings.

It is therefore, my lords, evident that the British nation has stronger reasons than any other, to desire and endeavour the suppression of a power that threatens servitude to the universe, because of all the nations of the universe, the English have most to lose; they are farthest exalted above slavery, and must therefore feel more pain from greater depression.

But this design, my lords, can only be obstructed by our supporting, on the continent, some power capable of opposing it; some House whose dominions and revenues may enable it to support its own independence, and defend the weaker powers against that insolence which would oppress, and that ambition which would enslave them. For if the French monarch once saw himself freed from a rival on the continent, he would then sit secure in the possession of his conquests, he might then reduce his garrisons, abandon his fortresses, and discharge his troops; but that treasure which now fills the plains with soldiers, would soon be employed in designs more dangerous to our country; we should see the project of forming a naval force renewed, the ocean would soon be covered with the fleets of France, and it would contribute very little to our security, that we are surrounded with waters and with rocks.

We must consequently, my lords, as it is, indeed, generally admitted by your lordships, support the House of Austria, which is the only power that can be placed in the balance against the princes of the family of Bourbon; and if we must support it, we must by consequence submit to the expence necessary for its support; for war cannot be continued without troops, and troops cannot be maintained without wages. Nothing can be, therefore, more improper than this motion, unless it be intended that the cause of liberty should be abandoned, and that we should submissively consign to the French ourselves and our posterity.

It may be indeed alleged, by the noble lords, that they have not raised objections to the expence of hiring troops, but to the troops which have been hired, and that they think it expedient to change them for others, though they should not be obtained at an easier rate. But this, my lords, though it may not be wholly without an appearance of reason, will, upon a close examination, be found impracticable. The armies will in six weeks enter the field; and from what other prince or state can we obtain, in six weeks, a number of soldiers equal to that which it is proposed to discharge? or what advantage shall we obtain by changing the Hanoverian troops for the subjects of any other prince, equivalent to the loss of opportunities which must be suffered by delaying our opera-

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tions, while we are procuring them? For, till our army is reinforced, we cannot enter the field without exposing our troops to a butchery, and leading them to be destroyed, not by the valour, but the numbers of the enemy.

It is well known, that these troops were not taken into pay, but by the advice of the House, and that, when the contract was made, no other troops could be procured. For one of the principal German princes, by whom they might perhaps now be furnished, was then endeavouring, like others, to dismember the possessions of the queen of Hungary, and to enrich himself with the spoils which her enemies proposed to divide among them.

It cannot be said, my lords, that this advice has appeared from its consequences to have been improper, or that the troops have been without use; for when we began to form our army, the French were in possession of many of the queen of Hungary's territories: but upon our approach they retired before her armies, who received new vigour from the near prospect of assistance. They retired with the utmost precipitation to their own frontiers, and suffered their ally, the emperor, to be driven out of his native dominions, where he was attacked, not as emperor, but as elector of Bavaria.

What greater effect, my lords, could the most ardent imagination hope or wish? what greater proof can be required, that a war has been carried on with prudence, than that it has been blessed with success? that the enemy has been compelled to fly in all the pride of conquest? that he has abandoned those territories which he had so rapidly over-run? that his treasures are squandered without effect? and that he has diminished his troops without increasing his dominions?

These effects, my lords, were produced by the seasonable contract for the Hanoverian troops; and why they should be discharged at a time when the enemy is recovering his courage, recruiting his armies, and re-establishing his funds, I am not able to discover. It will surely appear to our posterity an unaccountable instability of conduct, to raise an army to provoke our enemies, and disband it only to give them an opportunity of revenging the provocation.

In defence of this contract, my lords, it may be truly alleged, that it was advised by the House, and that it has produced all the advantages that could be justly expected from such an augmentation. And in answer to these arguments, of which the weight cannot be alluded, and which arise from facts not to be denied, what has been opposed by the defenders of the motion? what but some petty insinuations of partiality, and trifling objections to the conduct of the Hanoverians? such disputes as are to be found in all armies, composed of different nations, and such as subsist in other armies without any of the formidable consequences with which we are now threatened.

Of the accounts of insolence and disobedience, the greatest number may very reasonably be concluded false; and of those few which arise from some foundation of truth, it cannot be doubted that most were much enlarged, by the negligence or malice of successive relaters. With regard to some of these reports, my curiosity has induced me to enquire of the officers whether they were true; but I could not find that they were any more than the fictions of malice; nor can I conceive, my lords, that those few mistakes which were committed can have any permanent effect; or that the moderation and conduct of the officers may not extinguish all animosities; and unite the two bodies in such a manner, that there shall be no other contention among them than who shall distinguish himself most against the common enemy. Yet these notions of partiality, and these imputations of disobedience, insolence, and usurpation, have been employed to poison the minds of the people, to alarm them with groundless fears, and corrupt them with pernicious opinions; to embarrass the ministers when they were labouring for the service of the public, and to disturb the government, when it was encumbered with the care of an important war, and distracted by the multiplicity of affairs, and the variety of danger.

This was the time, my lords, selected as most propitious to the propagation of falshood, and the dissemination of malignity; and, therefore, at this time, were innumerable calumnies industriously dispersed, by which not only the private characters of those who were supposed to be intrusted with any part of the administration were aspersed, but much more illustrious names were mentioned, with the most insolent and contumelious insinuations; the whole system of government was made ridiculous, and the highest authority exposed to laughter and con-

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tempt; the people were taught to believe, that they were betrayed by their governors, and that the measures which were taken had a tendency to promote any interest rather than that of England.

By reports like these has the nation been irritated, and discontent has indeed too generally prevailed; but this discontent cannot be mentioned as an argument against the present measures; because, my lords, the same detestation might have been raised by the same arts against any other scheme. Nor do I believe, that this clamour will continue long, or that it will not, in a short time, give way to the power of reason and of truth. The duke of Marlborough, who has been already mentioned with just praises in this debate, observed, that though the people of England were sometimes misled, they never failed in time to recover their discernment, and to retract the false praises which they had bestowed, and false censures which they had vented; and when they had opportunity of accurate examination, and were calm enough to examine, they were very just distributors of glory and infamy.

I doubt not, my lords, but I shall, on this occasion, see the position of this great man confirmed by another example of the justice of the people of England, who, in time, will discover, how unjustly it has been said, that the scheme of the present war, which has been so loudly condemned as a series of Hanoverian measures, has been productive of no advantage but to the electoral dominions.

It may be remembered, my lords, that on occasion of the neutrality of Hanover, which was purchased by conditions, that it is not now necessary to mention, I observed, that if England was to be steered by the electorate, it was necessary that the rudder should be separated from the ship. This was then my opinion, nor have the late measures made it necessary for me to retract it; for then, my lords, England was subservient to Hanover; but Hanover is now subservient to England. The electorate is regulated by our measures, and is not, without the utmost danger, engaged in a war which might have been easily declined. For, who can doubt, my lords, but a neutrality might have been easily obtained for the Hanoverian provinces? The French would have granted his majesty very advantageous terms, if he would have stood idle while the queen of Hungary was ruined. This none of your lordships can deny. But his majesty's penetration enabled him to make a better estimate of his true interest; he well knew that when the rest of the electors were over-run, he should not long be suffered to remain independent; and that, however he might be caressed and aggrandised for a time, he should at last be reduced to the same subjection with those whom he had abandoned. He therefore, wisely determined to dare the most violent resentment of the French, and hazard, at first, what indeed he could not hope long to retain, if he had meanly sought to exempt himself from danger, by courting the oppressors of the world, and countenancing the claims of ambition, or the usurpations of oppression, and had forborne to assist his ally, only because her distress was urgent, and her danger imminent.

Thus, my lords, it is evident, that the war has been conducted with prudence and success: that the troops of Hanover were not retained but by the counsel of this House; that they have contributed to the expulsion of the French; that there is no reason for discharging them, because it does not appear that they have failed in their duty; and that though there might be some objection produced against them, yet that they cannot now be dismissed, because we cannot be supplied with other troops so soon as the exigencies of the war require. For these reasons, my lords, I shall give my vote against the motion; and as I am convinced, that the more accurately these arguments are considered, the more they will operate, I doubt not, but, after deliberation, your lordships will reject it.

Lord *Halifax:*

My lords; as the noble lord has had opportunities of viewing the present system of politics more nearly than any other person, as he has been present during the operations of the last campaign, and has had the honour of being consulted at a time when other Englishmen were not suffered to intrude, I doubt not but he is able to produce in defence of his Hanoverian associates, every thing that can with truth be produced in their vindication, and that he is well qualified to enumerate all their achievements, and recount all the advantages that we have received from our combination with them. I therefore expected him to rise with great impatience, and listened to him with uncommon attention; I regarded him as the advocate on whom the fate of the Hanoverian contract

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is to depend; for I had been long acquainted with his capacity to defend any cause which he should espouse, and I knew, that on the present question he would not fail to shew a zeal equal to his abilities. I, therefore, doubted not, but that every argument would be urged, every topic exhausted, and the whole controversy clearly stated.

This, my lords, I expected, nor has my expectation been disappointed; for nothing that can be urged, with any appearance of reason, has been omitted by him. What he has mentioned, indeed, is nothing more than the necessity of retaining those troops at a time so near the beginning of the campaign, but he cannot be censured for urging necessity; for, had choice been allowed, he would soon have been compelled to confess, that any troops should be employed rather than Hanoverian. But, my lords, as this necessity is merely affirmed, it may likewise with as little difficulty be denied, and the negative must be allowed to be valid, till the affirmative is proved. I shall not, my lords, impose upon the adversaries of the motion the task of doing what cannot possibly be done; but shall endeavour, first, to shew that there is no necessity of employing the Hanoverian troops, and then that it is indispensably necessary to dismiss them,

That it is not necessary to retain them, may easily be proved, because it is easy to hire troops that may be of equal ability to serve us, and who will not neglect their duty from the confidence of impunity, or imagine themselves exempt from the authority of British commanders. The elector of Cologne, my lords, will supply us with an equal number, and possibly at a much lower price. I appeal to the ministers themselves for the truth of this assertion; nor can it be denied that the situation of his territories enables him to dispatch them soon enough to join our army before they can be employed.

But, my lords, I am not able to discover for what reason we should hire any other mercenaries in the place of the Hanoverians. It is to be considered, that we are not principals in the war; nor have any other interest to promote, than the general happiness and liberty of all the nations of Europe. We propose no increase of wealth, nor any acquisition of dominions; we are to be considered only as auxiliaries; and though this nation has too frequently borne those burthens, which were more properly to have been supported, and furnished armies by which the territories and liberties of others were to be defended, yet I hope, my lords, those times of wanton and unnecessary expence are now at an end, and that England will be no longer condemned to waste the treasures, and the lives of its inhabitants, in quarrels which either do not regard its interest, or regard it only remotely and consequentially; and that where we have nothing to hope from victory, we shall not always run with too great eagerness to the battle.

I am, indeed, very far from intending to advise, that the public faith should be broken; that the queen of Hungary should be abandoned; or that the French should be left to parcel out the continent, and distribute kingdoms and provinces at pleasure. It is my opinion, my lords, that we ought to act with vigour, but that we should not exhaust our vigour by a single effort; that we should spare our forces and our wealth, and not expose ourselves to real dangers by averting distant evils at too great expence.

We are to act, my lords, but we are to act only as auxiliaries, and to bear only an equitable proportion of the expence of the war: and, indeed, if our part were to be estimated by our danger, it would be allowed by every reasonable calculator, that we should much exceed it, though these 16,000 hateful Hanoverians were dismissed from our service; for the army in the low countries would still consist of 21,000 of our own troops, 14,000 Austrians, 6,000 Hessians, 14,000 Dutch, and 6,000 Hanoverians, which are furnished by his majesty as elector of Hanover, in the whole 61,000; a formidable body, and surely sufficient to act as an auxiliary army. And even this army might, if it were necessary, be augmented by another body of our native troops; for there are now quartered in this kingdom 11,000 more than were thought necessary in the late war, though there was then likewise a Pretender to the throne; though his party was then much stronger than even cowardice or folly can now suppose it: and though the fleets of France were in the beginning of the war able to dispute with us the empire of the ocean.

But, my lords, it is far from being apparent that there can be any necessity for an augmentation, or that the cause in which we are engaged can deserve that we should exert more force, or load ourselves and our posterity with new debts. We are

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now, my lords, about to fight, not for our lives or our estates, or for the safety of our families, or the continuance of our privileges; we are contending only to support what has been so often shaken that it is not easy to find how it can be fixed; we are only attempting to settle the balance of Europe. The balance of Europe has a powerful sound, which many, who never appeared to know or to consider its meaning, have employed to subject this unhappy nation to plunder, and to exact subsidies for the neighbouring powers. When the people complained of taxes, exactions, oppressions, and poverty; when they were enraged to see their vitals torn away to fatten foreigners, and thought that treasure squandered without effect, of which they never were able to perceive the benefits, they were always stilled with the necessity of supporting the balance of Europe: if ever they struggled against new imposts, they were told that if they continued their opposition the balance of Europe must be for ever destroyed: and when they cried out for justice against their domestic enemies: when they required that villains should be cited to their trial, and that the deceivers of their prince should be dragged from behind the throne, they were censured as wretches without thought, who were hurrying on their own destruction, who were ignorant of the true principles of policy, and had no regard to the balance of Europe.

All this, my lords, was by the power of this wonder-working word practised from year to year by the late administration; we were persuaded to pay an annual contribution for the maintenance of this sacred balance, till one of the scales grew so heavy that its weight could no longer be hindered from throwing up the counterpart with such violence, that, had not the hand of England interposed, all that it contained had been shattered into fragments. We then saw, what many of us had long believed, that the balance of Europe was only a word employed to fix the attention, while our money was taken from us by the thieves of state, who thought themselves secure against all possibility of detection, while they filled our ears with the balance of Europe.

It might have been hoped, my lords, from the succeeding administration, that though they might be equally desirous with their predecessors to drain the riches of the nation, they would not have drained them upon the same pretence; that they would not have repeated an old trick, or have shown the bugbear which had been so often stripped, and found to be formidable only by its dress. It was expected, that if they did not shew more honesty than their instructors, they would at least have displayed equal skill, and that their ambition would at least have incited them to discover some new methods of fraud, and dictated some other powerful word, which might perhaps for some time have been used with equal effect. They have, indeed, diversified the clamour, and, during the short time of their power, have with great industry employed the arts which they had learned, though it cannot be said of them that they have made many improvements. They have frightened us with an invasion; they have threatened us with the Pretender; and, with the help of these extraordinary terrors, they have once more prevailed upon the English to endeavour the support of the balance of Europe.

But surely, my lords, though we have heard of a design to invade us, and that the son of the Pretender is now advanced somewhat nearer to the coasts of Great Britain, to those coasts on which he probably despairs of ever setting his foot, yet it is not necessary that more than 61,000 men should be employed in Flanders, or that we should beggar our country for ever, in hopes of re-establishing the balance of Europe, and repressing the ambition of France. But if it should at last be found necessary for us to raise new forces, and to oppose the French as men who imagine themselves not fighting for honour or convenience, but for life; as men not obviating possible dangers, but extricating themselves from real and present distress; yet I cannot but think that prudence might suggest many methods of augmentation more eligible than the hire of Hanoverians, to whom it is, in my opinion, an unanswerable objection that they are Hanoverians, that they have the same sovereign with ourselves, but that his power over them is boundless, and his authority in England limited by law. The troops of any other prince are therefore to be preferred to Hanoverians, because they will not be tempted by confidence of favour to aspire to equality with those whose pay they receive; and while any other troops can be procured, it will not be necessary to hire Hanoverians, even though it should be allowed that our army is not

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yet sufficiently numerous; and that other troops may be obtained, the ministers, however they may dissemble, will not be so shameless to deny.

But, my lords, we have at present in this kingdom 11,000 superfluous troops, which may immediately be sent to the continent; or if our ministry want the courage as well as skill of the ministers of queen Anne, and are afraid to sleep without an army to defend them from the French, who gaze at our island from their own rocks and garrisons; they may detain part of these at home, and by sending only 8,000, keep up a force sufficient to oppose any army which the French can land upon us.

Thus, my lords, it appears that at least the continuance of the 16,000 Hanoverians in our pay is not necessary; that our army will, without them, be proportionate to our interest and to our designs; and that, if it were thought expedient to augment it, we have forces of our own that might be immediately dispatched, or that we might hire from other potentates; troops which could not give occasion to the same misconduct, or imbitter the minds of the English with the same resentment.

But, my lords, when only the necessity of continuing them is denied, the controversy is very tenderly and superficially carried on; for it may be proved, and proved with very little difficulty, that it is not only not necessary to continue but necessary to discharge them; and not only that they may be safely dismissed, but that they cannot be retained any longer without danger, without inflaming the discontent of the people of England, and provoking mutiny in our armies, and sedition in our cities; without weakening the loyalty of the nation, and affording treason and disaffection opportunities of scattering their poison, corrupting the principles of the people, and debasing the honour of our sovereign.

To charge his majesty with any part of that misconduct, or any of those odious practices of partiality which have so justly heated the minds of the English with indignation and with rage, is, indeed, very far from my intention; nor can I conceive that any of the lords who have spoken or voted against the Hanoverians intend to asperse the honour of their king, whose name is in all our debates to be considered as inviolable, and who is never to be accused of any action contrary to the true interest of his people. Those who are to be censured and punished for actions which deserve punishment and censure, are the men by whose advice the measures of the king were formed, who engrossed his ear by flattery, and who employed the interest which they had formed by servility and falshood, to exclude from the royal presence all those whose zeal for their native country might have incited them to have offered advice, perhaps less pleasing but more salutary. Such are the men, my lords, upon whom the reproach ought to fall, which the enemies of our government will undoubtedly be industrious to throw upon the king, and to whom are to be imputed the clamours which are now echoed through the nation, and the discontents which universally prevail, and of which it cannot be expected that they will cease till the cause which gave rise to them is taken away.

In shewing the original of these discontents; in explaining the subject of these clamours; and in proving the necessity of dismissing those troops, which have exasperated the people to a degree so unusual and dangerous, I shall unavoidably mention again many facts which my noble friend has already recited, and recited with more elegance and propriety than I can attain; yet I am not without hopes that the repetition, however imperfect, may be of use, as it may hinder those honest resentments which they have raised from subsiding, and impress them more firmly upon the memory of your lordships; for, surely, they are such as ought not to be speedily forgotten, but transmitted to succeeding ages, to warn the English for ever against any future contract for Hanoverian mercenaries.

I shall repeat these facts with more confidence, as we have received from the noble lord's silence another attestation; since it cannot be doubted, that if they could have been denied, he would readily have denied them, and that he has endeavoured to store his memory with all the circumstances which could be collected for the extenuation of that which could not be confuted. Of these facts, therefore, which have escaped his animadversions, it must be concluded, my lords, that they have been truly represented; that they have not been heightened by fictitious circumstances, or malicious rhetoric; and that they may be admitted, therefore, as the basis of the controversy.

It is, therefore, my lords, to be henceforward considered as certain, that in the

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distribution of the quarters the Hanoverians were always preferred, and that it never happened more than once, that the English were judged worthy of that ease or plenty which their mercenaries enjoyed: mercenaries who had been taught to gain the affections of their sovereign by unlimited submission; who had never presumed to assert any natural or legal right, or to hold any of their possessions or enjoyments, but from the gracious condescension of an absolute master.

It could not be hoped, my lords, that the surly Englishman could vie with men like these for the favour of his prince; for he would have vainly imagined, when he was favoured with bread, or admitted to warm lodging, that he deserved what he enjoyed, and that it could not have been withheld from him without injustice, or perhaps, without ingratitude; he would have thought, and perhaps have said, that a peasant of England has the same right to his cottage as the king to his palace; and that an English soldier, when he is considered as superior to slaves and hirelings, is classed but according to his right, and owes his precedence to the constitution of his country.

Such notions, my lords, it was in the late campaign found convenient to suppress, and therefore an experiment was made, whether hardships, fatigues, hunger and cold, would not tame this troublesome, this perverse disposition; and whether Englishmen might not be reconciled to slavery, by observing how much they were distinguished, how kindly they were caressed, how liberally they were supported, and how cautiously they were exposed, who had nothing to recommend them to regard, but that they had the honour of being slaves by birth.

But because it has been long observed that men have been supported under hardships by the sense of liberty, and enabled to surmount difficulties, and defy dangers, by the natural vigour of independence, it was thought necessary to try another expedient, and to endeavour to depress those by disgrace whom they could not hope to subdue by labour and famine. The English were therefore degraded from their rank in the army, and condemned to resign the defence of their own sovereign to their own hirelings; and to see at Aschaffenburg the royal pavilion guarded by Hanoverians; to see that prince whom they had followed to distant lands, and for whose honour they were ready to bid defiance to all the nations of the earth, surrounded by slaves, with weapons in their hands, to which they had no natural right, because they had nothing to defend; by hirelings, who came to serve in a war in which they were not considered as parties, and who set their blood to sale for wages, which they durst not call their own when they had received them.

It is said, in extenuation of this insult, that the English guards were then at a distance; but let that man, by whom the motions of the army were regulated, whoever he was, stand forth, and inform the House, why the guards were separated from the king. Was it only that a pretence might be furnished for injuring the honour of England? And, indeed, a more frivolous pretence could not easily have been conceived; for if the English guards were absent, there were other regiments, of which the lowest ought to have been preferred to a band of Hanoverians; to men who fought for English pay, under English command.

Surely, my lords, the honour of this great, this illustrious nation, was never thus trampled before; the king of England encamped with an army, of which the troops of Britain compose the greater part, intrusts the charge of his person to hirelings, and appears to consider the soldiers of Britain as not worthy of this important charge. The Hanoverian guards, my lords, continued to surround our sovereign three days, and were not removed till an address was offered, in which the grievance and the reproach were justly represented.

I demand, my lords, but demand without hope of an answer, why this insult was suffered; why it was so long continued, and why he that advised it was never censured? Surely the wretch who could thus betray the honour of his country for the sake of advancing his own private interest, or of obtaining from his monarch a more easy access, or more favourable audience, cannot deserve to enjoy those privileges which he thus disclaimed, but ought to be for ever levelled with those slaves whom he preferred to the troops of this country.

In my opinion, my lords, the English spirit was not on those occasions sufficiently exerted. When our troops found their mercenaries aspiring to superiority, and usurping honours to which they had no right, they ought to have quelled their insolence by force, and taught them to know their superiors by other methods

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than those of supplication. When they found them in possession of better quarters than fell to the lot of those whom they were retained to serve, they ought to have stormed their lodgings, and seized their provisions; to have dragged them out by violence, and driven them to shelter in those huts which had been marked out for the residence of the English. When they saw their sovereign surrounded by Hanoverians, they should have shewn how little such guards were to be trusted, by cutting them in pieces before the tent, if they had hesitated to resign their charge at the first summons; they should have declared their resolution to commit the person of their sovereign to no care but their own, and have maintained their proper post, by the slaughter of their insolent associates.

It was, indeed, only from the English that the troops of Hanover were exposed to danger; for when the French advanced against us, the disposition was so fortunately concerted, that only one Hanoverian battalion shared the danger of the battle. And, indeed, care was taken that they should not be, on that day, placed under the direction of the British commanders, whose courage might incite them to bring their followers into danger. For the command of the Hanoverian troops was not permitted, on that memorable day, to be disposed according to the usual method of rotation; but a brave British commander was denied the place which he might have claimed according to the established rules. The Hanoverians, whom he would have led to the battle, and perhaps have rashly exposed to the same danger with those whose pay they received; whom he would probably have drawn within the reach of French bullets, and when one had unluckily fallen, have, without remorse, ordered another to advance, were committed, my lords, to safer hands; to hands which, with whatever activity they may brandish a sword at a review, appear by no means fitted by nature to shed the blood of an enemy. They were trusted, and, as the event shewed, very properly trusted to officers who had more regard to life than to honour, and who never thought their duty better performed than when they retreated from the appearance of an attack, and to whom even the noise of a battle seemed to be a molestation more than equivalent to the plenty in which they had lived, and to the honours which they had received.

After the mention of this battle, my lords, it cannot be difficult to shew the necessity, the indispensable and undeniable necessity of dismissing these troops from the service of the British nation; for, whatever will not promote the end for which it is designed, must be changed for some more useful instrument; and, therefore, troops which will not fight are to be discharged from the pay of a people that is engaged in war, and sent back to countries blessed with neutrality, where they may glitter in the sun at a review, and appear in all the habiliments of war with the greater grace, as they are not deformed with scars, or crippled with fractures; as they have been pampered in the best quarters, and have acquired new loftiness of mien by insulting the English, and insulting them without punishment; by insulting those whom the armies of France look upon with terror, and who, if they had not been restrained by their regard for their sovereign, would have trampled their insolent, their faithless, their despicable associates, and heaped them with their enemies, on that field they had disgraced.

It is universally allowed, my lords, that treachery is more dangerous than hostility, and that it is better to form no hopes than to form them without reason. If we continue to retain the Hanoverians, we shall expect service from them, and shall be tempted to believe that the strength of our army is proportioned to its numbers. We shall, therefore, attempt actions which will require the concurrence of our whole force, and shall miscarry, because part of our army is retained only for show; we shall be forsaken in the midst of danger, and unless the native courage of the English shall supply once more their want of numbers, we shall, too late, repent the folly of trusting those a second time, who have so shamelessly deceived us; who have followed us for pay, to the field, but have refused to follow us to the battle; but we shall then have the fate of those who wink against conviction, and perish without pity, because we shall perish by our own fault. The French will rejoice, that what they could not hope from their swords, has been effected by our stupidity; and the Hanoverians will congratulate themselves upon that prudence by which they have preserved themselves, while the English ran, in confidence of their assistance, to the slaughter; and we shall be left to lament our misery among the hisses and reproaches, both of our mercenaries and our enemies.

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It is, in my opinion, my lords, necessary to discharge these troops, because, when the nation is harassed by the expences of war, it is necessary to exempt it from all useless burthens; and what burthen can be more useless than the payment of troops which will not fight? It is necessary to dismiss the Hanoverians, because it is in the highest degree necessary to maintain the honour of England, and to secure our troops from contumelies and insults, such as they have suffered from these detestable mercenaries. It is necessary to dismiss them, because it is necessary to preserve our troops from being contaminated with servility, by being too long associated with slaves, and from being tainted with cowardice by seeing what was never known to an English soldier before, that cowardice is honoured and rewarded. It is necessary to dismiss them, because necessary that the people of this nation should retain their esteem and affection for the king, which cannot be expected if they are exasperated by any new acts of partiality; for who can hope that Englishmen should be very zealous for the support of a prince who appears to think his person safest under the guard of Hanoverians? or who is surrounded by servile, or by wicked counsellors, who advise him to distrust or to disgrace his English soldiers, his freeborn subjects?

It surely now appears, my lords, that there are not wanting arguments for the dismission of the Hanoverians; for the dismission of troops, which experience has shewn to increase the ranks, but not the strength of our forces, and to encumber the field which they dare not defend; but, what arguments have been yet offered that should induce us to vote for their continuance? Nothing has been yet urged, but that the same number cannot be procured to supply their place, and that therefore we shall weaken our army by dismissing them; positions which have been already unanswerably confuted, and which our ministers dare not repeat. But how, my lords, can the dismission of those troops weaken the army, of whom both their friends and enemies are equally convinced that they are of no use, and whose appearance is therefore a mere *ignis fatuus*, which has lost its terror because its impotence is discovered? Or, of what importance is it, whether the place of cowards is ever supplied, or though there be fewer stomachs in our pay, while the number of hands continues the same. For my part, my lords, I shall always number our forces by the men of action, and shall consider the Hanoverians only as invalids, but with this distinction, that they have no right to pity or tenderness; because, though they are helpless in the field, they are vigorous in their quarters; and if they lose their strength, it is not impaired by wounds or hardships, but by fear, or perhaps by the luxury which English pay has enabled them to enjoy; such luxury, my lords, as has made them in love with life, and inclined them to reserve themselves for some other war, in which less may be lost by running upon danger.

It is at last necessary, my lords, to distinguish the interest of England from that of Hanover, with which it has been long complicated by an unnatural and wicked concatenation, and to which it has been made subservient by the mean treachery of our ministers. The folly and the guilt of this conduct were not unknown, during the last administration, to the noble person, who now assumes the direction of foreign affairs, and was represented by him with proper warmth, and all the appearance of honest detestation. But we have often seen that opinions are variable with other human things, and I, for my part, do not much wonder to find that the system is now changed, and, as the quack said, 'the heart removed to the other side.'

But surely, my lords, the present scheme of conduct is such as neither justice nor policy can support, and such as must, if it be not speedily altered, produce consequences which I would not willingly mention, but which yet no man, who desires to prevent them, ought to conceal. It must involve the nation in misery, and fill it with confusion; it must alienate the people from the government, and finally weaken the interest of his majesty, and render the succession of his family, that succession which we have so long endeavoured to perpetuate, uncertain. That it will involve the nation in confusion, and that confusion is not far distant, must be evident to all those who attend to the clamours which this hateful contract has raised among us; clamours not of any particular faction, nor of a few zealots heated by their own imagination, but of the whole people unanimous and resolute; unanimous from the sense of common danger, and resolute from the knowledge of their own importance. Nor, indeed, is there any reason to censure that discontent, which arises from the approach of

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general poverty, hastened not by war but by contract; not by the calamity of defeat, but by the folly of preparation; when they discover that they are not subdued by their enemies, but sacrificed to their mercenaries, and that their country is become a province, not by conquest, but by sale.

This discontent will not, indeed, alleviate the calamity from which it arises, but will perhaps increase it by depressing industry, by slackening all those hands which should be usefully employed, and engrossing that attention which would find remedies for many of the evils which the folly or corruption of our ministers might bring upon us. But it is more natural to resent than repair those evils, which appear to be rather the effect of malice than of misfortune; and this resentment, my lords, ought, as it must be very dangerous, to be very carefully avoided.

That this conduct will injure the family which is now in possession of the throne, is apparent, because it must withdraw from them the affection of the people; that affection which alone can secure them either happiness or power; that affection which is always necessary to the prince who governs a free people, and which no minister can propose to forfeit, but he who designs that the nation shall be no longer free.

Thus, my lords, it appears that it is not necessary to retain the troops of Hanover, because we may carry on our designs with the forces which will remain after they are discharged, or may increase them if an augmentation should appear necessary, either with the troops now unnecessarily kept up in this kingdom, or with other mercenaries which are to be hired at a lower price from other princes; and it has been proved that it is necessary to dismiss them, because they are hated, and hated deservedly, by the whole body of the English nation. They are hated for their insolence, and despised for their cowardice; they are considered as the minions of their master; as favourite slaves, who engross his ear, who flatter his passions, and possess his affections; who must be driven from his presence before freemen can be well received, and before honest counsels can be impartially heard. They must be dismissed because they have been found insolent in their march, and cowards in the battle, tyrants in their quarters, and traitors in the field; they must be dismissed from an English army, because they are slaves, and usurpers, and natives of Hanover.

The Earl of *Cholmondeley*:

My lords; the licentious language, and unusual virulence, which have appeared in the discussion of this question, may authorise every man to offer his sentiments with very little premeditation, and to set himself free from the anxious observation of forms or decency; and I shall, therefore, take the liberty of declaring my opinion with the same freedom, though not with the same passion, as the noble lords who have harangued in defence of the motion.

I cannot presume to speak very accurately of war from my own knowledge, because, though I once had a military command, I never served in any campaign; but my acquaintance with soldiers, and with myself, informs me how much every man suffers from an attack upon his martial character, and easily discovers to me the impropriety of scattering so profusely the appellation of "coward," which I have heard very frequently used in this debate, and heard with equal indignation and astonishment. Every man whose birth or whose rank incites him to the care of his own reputation, ought to think that of others not wholly unworthy of his regard, and to forbear such opprobrious and offensive terms, as cannot be given with honour, where they cannot be resented.

It ought to be remembered, my lords, that in this debate, when the character of the Hanoverian troops is mentioned, we are discussing the behaviour of gentlemen and of soldiers, and that if we should upon examination find it worthy of censure, that censure ought to be pronounced in such language as may become them and ourselves. Nor can it be granted that we ought to indulge our passion in wanton contumelies, and contemptuous insults; we ought to remember that their deficiency in their duty ought not to exempt us from attention to our own.

At least, my lords, it ought to be proved, which has not appeared, that they did in reality neglect any part of the duty assigned; that we ought not to suppose them cowards for the sake of opportunity to rail, and then rail upon that supposition. We ought, before we blame or praise them, to know what they have performed, or what they have omitted. Yet I have not yet heard any proof of this cowardice which has been imputed to them, nor do I know how those facts are established, which have given occasion to such loud outcries, such

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pathetic declamations, such vehement invectives, and such virulent reproaches.

With regard to one incident of the late campaign, which occasioned uncommon clamour, I have made very diligent enquiries, and have been informed by persons, to whom I cannot refuse credit, that when the king arrived at Aschaffenburg, a body of the English horse guards was immediately placed about him; and that though while the foot guards were absent, their place was supplied by the guards of Hanover, yet as soon as they arrived, they were restored to their post. So that, in my opinion, the clamours which have been raised have no very important original, and might have been spared without any injury to the name of England.

I doubt not, my lords, but many other complaints have been made with no better reason, and believe that nothing has been done by the Hanoverian troops, which can justly expose them to hatred or to contempt; and, therefore, since they add so much to the strength of our army, I cannot discover why they should be distrusted. It will surely be a new method of preparing for war, to discharge our forces at the beginning of a campaign, at a time when all the continent is projecting augmentations, and forming new regiments; it must surely give our allies no high sentiments of our resolution, our fidelity, or our power; nor can our enemies imagine that much is to be feared from a people that abandon their cause, almost as soon as they have espoused it. Our allies will naturally conclude, that they cannot take more prudent measures than to withdraw on the first opportunity from so unsteady a confederacy, and to make a separate peace upon the best terms that will be allowed them. For the French, a nation inclined to exult upon every appearance of superiority, and to extend any pleasing prospect beyond its bounds, will readily determine to maintain, by perseverance, the advantages which their vigour has procured them, and will expect in a short time to weary us into submission; they will imagine that after we have borne the burthen of taxes, for the support of the war another year, we shall project another reduction of our forces, and that every year will lessen our army, till we shall at last make war without soldiers, and suffer hostilities without any thought of returning them. I do not, my lords, suppose this to be really the design of the noble lords who have defended the motion; but this is the appearance which the conduct that they have been pleased to recommend will have in every court of Europe; and as this appearance must naturally elevate our enemies, and deject our friends, it ought, in my opinion, to be cautiously avoided.

When I voted for the contract by which the Hanoverians were retained in our service, I gave this reason for my conduct, that I did not know whence troops could be procured, that might be equally trusted; and that, since it was necessary to hire troops, I thought it most eligible to hire those who having the same sovereign as ourselves, might in some sort be considered as fellow subjects, and by whom we could not be abandoned, because having the same prince, they have the same interest with ourselves. The force of this argument appears to be still the same, and though some rumours have been industriously spread, with an intention of destroying their military reputation, I think them worthy of very little regard, because they are hitherto without evidence to support them. And, therefore, since our army cannot now be weakened, without a manifest disadvantage to the cause in which we are engaged; and since I do not discover any advantage in dismissing the Hanoverians to hire others, I shall, in pursuance of my original scheme, vote for their continuance.

Viscount *Lonsdale:*

My lords; I am so far from concurring with the opinion of the noble lord who seems to imagine that no objection can be made to the troops of Hanover, which will not be of equal force against any other mercenaries, that I am convinced of the necessity of dismissing the Hanoverians, on whatever terms it shall be done; and doubt not, but any change will be advantageous to the confederacy.—The animosity between the English and their mercenaries has risen so high, that they cannot any longer act together; their march will be one continual struggle for privileges and honours, and their camp will be a scene of quarrels, outrages, and blood-shed; and, if they should give battle to the enemy, each body would rejoice in the slaughter of the other, and stand still with their weapons in their hands, to see their hated associates routed and destroyed.—This, my lords, is a reason for the dismission of the Hanoverians; a reason which has not yet been invalidated; and in opposition to which nothing has been

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offered which in an honest balance can counterpoise it. It cannot, indeed, be said, that many arguments have been offered by the opponents of the motion; they have contented themselves with alleging, what they could never prove, the necessity of continuing these troops in our pay. Nor can they, indeed, be blamed for not attempting argument; for who would load himself with an undertaking, to prove the necessity of paying forces, which will not fight?

It has, indeed, been observed, with an air of triumph, that to disband our troops is a new method of preparing for war; and that we shall intimidate our allies, and encourage our enemies, by so unseasonable a diminution of our army. It is, indeed, not very common, to chuse a time of war for the dismission of mercenaries: but, my lords, common maxims were intended for common occasions; our conduct with regard to our mercenaries is new, because their behaviour has been such as was, perhaps, never known before. When it is asked, what nation ever discharged their forces in time of war? May it not, my lords, be asked in return, what mercenaries ever before expected to be treated by those that hired them, as their superiors? What mercenaries ever drove their masters into the the worst quarters; or shouldered them from the post of honour? When hired troops ever expected precedence in the camp, or exemption from the battle? When the hirelings of a kingdom assumed the prerogative of guarding the king, when his own subjects were present; and while they were preferred to his own subjects, by apparent and visible partiality? If any time can be shewn, at which those circumstances were to be found, I doubt not, my lords, to shew likewise, when mercenaries were dismissed in time of war, at least if they were hired by a free people, jealous of their honour, and tenacious of their privileges; by a people, whose monarch owed his sovereignty to their love of their liberties, and their invincible resolution to maintain them. For certainly, my lords, the sons of liberty were never thus insulted before; were never before trampled by slaves, and overborne by wretches made proud with pay, which they scarcely durst enjoy, and which they never durst deserve.

The question, my lords, is new, and therefore, we may reasonably expect a new determination; but, my lords, the determination ought to be such as may for ever prevent another question of the same kind. It ought never to be asked again, how a free nation ought to act, when their mercenaries shall dare to insult them? For we ought to set all succeeding ages an example of honest resentment, and generous zeal, for the honour of our country; and fix such a brand upon insolence and disobedience, that the same provocations shall never be renewed, and all mercenaries shall know hereafter the respect due to the commanders and the troops of England.

But, my lords, there are other reasons, for which it may be thought reasonable to advise the dismission of the Hanoverian forces. The purposes for which they were hired, are said to be accomplished; the French are retired into their own territories; the queen of Hungary has recovered the possession of her own dominions, and has seized those of her enemy; the balance of Europe is almost restored; and nothing remains to be done, that can require forces more numerous than our army will still be, though the Hanoverians are dismissed. These great events, which are so loudly boasted, and which have been ascribed to the seasonable contract for 16,000 Hanoverians, cannot surely be mentioned, as motives for the continuance of them. For when, my lords, will this argument be at an end? When we are in danger, we are to hire Hanoverians, as the only men who can protect us: when the danger is over, we are to continue them in our pay, in gratitude, I suppose, for their seasonable and effectual assistance. And therefore, as we shall always be in danger, or out of danger, will it not be always prudent and necessary to pay 16,000 Hanoverians with English money?

Those who recommend the continuance of the Hanoverians, must surely argue in this manner; or, if they press it upon any other principle, they must inform us, what schemes are laid, which 61,000 men cannot execute; they must lay before us the operations projected for the approaching campaign; and then it will appear, whether we may dismiss them, and retrench the expence of the war; or whether it will be necessary to supply their place with other troops: for to dismiss them is, on every supposition, invariably necessary.

I cannot but declare my opinion, my lords, however contrary it may appear to that ardour for which some lords affect to be distinguished, that it must be prudent to contract our expences, till we may, by

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those accidents which time may produce, have a clearer view of the state of affairs, and be enabled to form some conjecture of the extent and duration of the war; for it would be madness to waste our treasures in the panic of false alarms, and suffer ourselves to be impoverished by the maintenance of armies, from which no action is expected, or which no enemy intends to oppose: it would be surely an idle ostentation of our wealth, to support thousands to walk upon the farther banks of the Rhine, and gaze upon the French provinces, which they will never enter, or which they cannot enter without madness.

I suppose, my lords, there is no scheme formed for attacking France, and losing the flower of our army against the fortified towns with which it is inclosed, and to bring us into the expences and anxieties of another war, which in ten years may be probably terminated by a peace, by which all the conquests of either party will be given up.—That such a war will be certainly, and such a peace probably, the consequence of an attack upon France, is sufficiently obvious; and, therefore, we ought not, in my opinion, to form any designs of an offensive war; nor will it be difficult to find arguments which may deter us from it, if it could be imagined that any arguments were necessary to those who every year feel the weight of taxes, laid upon them in the last war, in which our victories and triumphs reduced us to poverty and distress.

To form designs of conquest for ourselves, has always been considered as contrary to that system of politics which our situation prescribes: and if we endeavour to enlarge the dominions of the queen of Hungary, I know not what advantage we can propose from success, and of success I am far from being certain; for it is to be considered, that she will not be supported with equal zeal in conquering others, as in defending herself; and the power of France, when concentered, and compact within the circle of their own country, will not easily be broken.

It is certainly, my lords, more necessary for us to enquire how to lessen our expences, and preserve our posterity from expiating the folly of their ancestors by an everlasting bondage of taxes, than how we shall conquer the French provinces. Our present charge, my lords, is very near nine millions; five of which are raised on credit, and our posterity mortgaged for the payment. How long mankind will continue to believe that posterity think themselves bound by these contracts; and how long public credit will consequently continue, I am not able to foresee: but surely it is not to be denied, that an end ought to be put, with the utmost expedition, to the necessity of credit, and that we ought to spend no more than can be annually paid.

I am by no means satisfied, my lords, of the reasonableness of the proportion which we bear in the present war. The quarrel is not our own; we are, at least, not nearest to danger, however near some men may be placed by their own imagination; and yet we struggle like a nation defending its last fortress, and over-run by the army of an ambitious conqueror. I do not contend, my lords, that we are not to fulfil our engagements; but cannot discover why we should exceed them. I think we might once venture to try whether, if we exert ourselves less, some other power would not labour more; and whether others do not rest in security and indolence, because they think they may safely confide in our vigilance and activity. The Dutch, my lords, in the late war sustained three-eighth parts of the expence, and now as their riches have since increased faster than ours, they ought, in my opinion, to bear an equal part, and we might then be able to exhaust France by harassing her with a long war.

These events, my lords, are perhaps at a great distance, but nothing remains more necessary, if the ambition of France be to be repressed, and her power to be broken for ever, than to contrive means by which these events may be brought nearer; and for this purpose nothing can be, in my opinion, more efficacious than to shew that we have improved our policy by the errors of our ancestors; that we are now too wise to exhaust ourselves in defence of our neighbours, while they enjoy the advantages of our intercepted commerce, and sleep and trade under the protection of our armies; and that we will no longer contribute to the common safety more than is required by our share of the common danger.

This resolution, my lords, would rouse the fears, and quicken the counsels of our neighbours, and we should soon see ourselves set free from the burthen of soliciting mercenaries and forming alliances; we should be courted in our turn to engage in the confederacy, which would be quickly discovered to be more necessary to every power than to England, and should

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no longer be threatened with defection and neutrality, unless we increased the subsidies of the petty potentates of the continent.

This scheme, my lords, might very properly commence by the discharge of the Hanoverians from our service. If this alarmed any of our neighbours, it would only make them more ready to comply with our proposals, and would allay at the same time the discontent of our own people, whom the insolence and disobedience of our mercenaries, and partial favour with which they were on all occasions distinguished, have exasperated to a degree of rage and indignation, which it is certainly the interest of the government to appease by so small a sacrifice, before their resentment rises too high to be easily pacified. It might procure likewise some remission of our expences, and the load would be borne more patiently when it appeared that no opportunity of alleviating it was lost. Since, therefore, my lords, the Hanoverians appear to be insolent, disobedient, and useless; since it is necessary to spare the expences of the nation; and since it is not improbable that we rather strengthen than injure the confederacy, by dismissing them, I shall think it my duty to vote for the motion.

The Earl of *Cholmondeley*:

My lords; nothing surely can be more improper than the demand of the noble lord, who, when he sees the House crowded with auditors, whom the importance of this question has brought hither, can require that the plan of operations should be laid before us.—We are surely now to engage in measures wholly new; our army is to be diminished when it is about to take the field, and our plan of operations to be made public, before the execution of them can be attempted. If these are rational methods of conducting war, they are at least methods which the patrons of the motion will be allowed by posterity the honour of discovering; for they were certainly hid hitherto from the sagacity of mankind, and it is happy that they are produced in this consultation, in which the fate of France is to be decided.—For my part, my lords, I am still obstinately determined to adhere to beaten tracks, and follow old maxims, however contemptible the wisdom of the ancients may appear to the aspiring spirits of the present age; and therefore shall conceal what I happen to know, whether little or much, of the designs of our warriors, and the scheme which they have formed for the next campaign.

Viscount *Lonsdale*:

My lords; whatever designs the penetration and experience of our ministers may have formed, and with whatever stupendous success they may flatter themselves, there is at least one rule which they ought to think inviolable, even to those by whom all other rules have been broken. When they form any scheme they ought to remember, that their measures are the measures of men, and that there are men likewise to oppose them; and that however eminent they may appear for wisdom in the eyes of each other, and how much soever they may despise all domestic or hostile opposition, their designs may possibly miscarry. They ought, therefore, not to exhaust their strength in any single project, but to secure some resource from whence, if their first design should fail, they may be furnished with assistance to execute another.—It is therefore proper, my lords, that the riches of a nation, not at present overflowing, should be expended with some frugality, and we should not make war the first year in such a manner as may disable us from facing our adversaries in the second. We ought to invite our neighbours to part of the charge, since they will receive the immediate advantage. It cannot be denied that the Dutch are more exposed than we to the ambition of France, and that they must probably be conquered before we can be invaded.—The indifference with which the Dutch look upon the appearance of danger inclines me, my lords, to imagine that they know it to be nothing more than appearance, and that they are, perhaps, confident of safety, while we are terrified with frightful phantoms, and wearying ourselves with fighting the air, and warding that blow which will never be struck.

It is surely natural to imagine, that if they saw their danger they would endeavour to obviate it; and their slow counsels, and dilatory measures, give sufficient reason for suspicion, either that they are more secure than we imagine, or that they depend on our zeal for liberty, for the defence both of themselves and the rest of the continent: in either case, my lords, it is evident that we are wearying ourselves in superfluous efforts. If they are really not endangered by the armaments of France, we likewise may disarm, as par-

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takers of the general security; if they repose an ungenerous and lazy confidence in our ardour, that ardour ought to be remitted, that they may learn at last to defend themselves.

The Duke of *Newcastle*:

My lords; I have attended to this debate with great patience, which I hoped to have found at last recompensed from some information; but I have yet been able to collect nothing but flowers of rhetoric, which the noble lords have, with great liberality, scattered over their motion, and which may be of some use to adorn, but of very little to defend it.

The noble lord who spoke last has, indeed, made an attempt to throw some light upon the question, by an apt and easy distinction. The war must be, as he justly remarks, either offensive or defensive; but I cannot think his inference just, that the troops of Hanover can be of use neither in one case nor in the other. It is true that our army, even combined with these troops, will not be powerful enough to invade France; to break into her frontiers, or besiege her fortified towns, and take possession of her provinces; but it may however, perhaps, find opportunities of acting offensively, of which no use can be made, if it be weakened by compliance with this motion.

But though it is evident that we cannot hope for success in an offensive war, even with the assistance of 16,000 Hanoverians, it is by no means equally certain that they will be of no use for our defence; for the French may bring very numerous armies against us, and though less numbers may be sufficient for defence than invasion, yet it cannot be denied, that an army may be too weak for defence, and that it may be overpowered by the number of assailants, and starved in its lines, or forced from its intrenchments. Whether this war will be offensive or defensive, it is, I suppose, impossible to determine: if we find our forces more numerous than those of our enemies, it will be probably thought prudent to attack them; but if their power is superior to ours, we shall be satisfied with defending ourselves. But we ought, surely, my lords, rather to wish that we may attack than defend; at least, we ought to be certain, to such a degree as the nature of wars admits, that we shall be able to defend ourselves, and therefore we ought not to chuse the beginning of the campaign for the diminution of our forces.

If we consider the conduct of our active enemies, we shall find no encouragement to any relaxation of our vigilance, or to negligence of any measures which can increase our influence or our strength; for they are endeavouring, by every method both of hope and fear, to recruit their armies, and collect their whole force, and seem resolved to leave nothing to hazard which can be ascertained by power, or by foresight. They exert all their power, and all their interest, and appear prepared to decide, this campaign, the fate of Europe.

While they are thus every day increasing their strength, it will, surely, be very imprudent in us to disband our forces; while they are making preparations to drive us from the continent, it will not become us to facilitate their design, by dispersing those troops which are to stand against them, and to dispute the empire of the world. Such a proposal appears to me to be of so wild a kind, that I know not how to believe that any lords can seriously defend it.

I was not without hope that some of the noble lords, who so loudly censure the conduct of the war, would have offered a plan of peace, and have instructed us how to poise the contending interests, and settle the contradictory claims, and unravel the perplexed pretensions of the different powers of the continent; for, surely, he that endeavours to obstruct war, ought to promote peace, and employ his understanding to assist the government rather than embarrass it. But if none of their lordships can inform us how peace can be obtained without war, or how war can be carried on without soldiers, nor whence soldiers can be procured, that will serve us better than the Hanoverians, and join our army with such expedition as may make them useful, we must still continue the Hanoverians, not by choice, but necessity.

The strongest motive for the dismission of the Hanoverians, a motive which very justly operates upon the noble lords, and which, in my opinion, might overbalance every thing but necessity, is the general indignation and discontent spread through the people, by accounts of the insolence to which they have been incited by many instances of visible partiality; accounts of which I will not deny, that the universality of their prevalence, and the concurrent declarations of the noble lords, convince me that they are not far distant from

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the truth. Such partiality, my lords, is undoubtedly a grievance, a grievance not easily to be borne, and which, I hope, will never be repeated. Nor shall representations be wanting that may expose it fully to the view of his majesty, and shew its injustice and its danger. With regard to me, nothing but the sense of absolute necessity should influence me to vote for them, or for any other mercenaries; nor shall I concur in any proposal for continuing them a single day longer than that necessity demands. At present, it is evident that our army cannot be weakened without extreme danger; and, therefore, I shall vote for the continuance of the Hanoverian troops.

The Earl of *Morton*:

My lords; it may be remembered by your lordships, that when I voted, not long ago, against an address for dismissing the Hanoverians from our service, I declared that I did not think myself precluded by that vote from any different conduct, if the continuance of them should be proposed for another year, and I did not pronounce any unalterable or settled opinion, but should keep my mind unprejudiced and open to the evidence that might be offered in our future deliberations. In conformity to that resolution, my lords, I have not only listened with the calmest attention to the arguments which have now been offered to your lordships, by those who have defended or opposed the motion, but I have likewise endeavoured to prepare myself for this great, this interesting, this important debate, by such previous enquiries as appeared necessary to the decision of it, upon solid facts, and shall lay before your lordships the opinion which I have been able to form, and the reasons by which I am induced to adopt it.

I shall, on this occasion, as on others, speak the genuine sentiments of my heart, without any solicitude for the reception which they may find; I shall speak without hope of pleasing or of irritating any man, and without fear of being censured as a bigot to any party, or the blind follower of any leader. Independence, my lords, is my fortress, from which I look upon frowns with scorn, and upon smiles with indifference; I have no restraint but my conscience, nor any desire of that approbation which must be obtained by the forfeiture of my own. I determine to speak my own thoughts, and to speak none but my own, and, if they happen to please shall hope they please only because they are agreeable to right reason.

With regard to the ministry, who are considered as particularly interested in the determination of this day, I am without any private motives of hatred or of love; I am willing to assist them in any measures which may promote the honour and interest of my country, and shall oppose them whenever their schemes appear to me opposite to policy or justice. I consider myself as not entitled to choose the ministry, as they are the servants of the king, nor do I think that the approbation of the king ought to provoke contempt, or enmity, or contradiction. Were the officers of the crown to be chosen by this House; had the ministry been selected by ballot, I should not have given my vote for every individual whom I see entrusted with power, or invested with honours; but since this trust, and these honours have been obtained by them, I would not willingly add any unnecessary difficulties to the discharge of their duty, nor oppose their measures merely because I am not much a friend to the persons of those by whom they are proposed. The measures which regard the public are to be considered only as they affect the public, and he who judges of them by the knowledge that he may have of their authors, acts in the most preposterous and absurd manner, and considers his country as subordinate to himself.

As this is my disposition with respect to ministers; as this appears to me to be the disposition with which we should engage in the consideration of political questions, I do not suffer myself to be much affected by popular clamours, or general invectives. Such clamours always pursued the late minister, and have not become less loud, or less vehement, since the change; but if any alteration has been made in the affections of the people to the men who have been intrusted with the administration of public business, the discontent has of late been more general, the accusation more confident, and the resentment more bitter.

Such, my lords, has been the dissatisfaction with which the measures of the present ministry have been regarded, that many who promoted, by their outcries, their interest, or their votes, the exclusion of the late minister, now publicly desire his re-admission to the management of affairs. And as many are ready to report,

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and all willing to believe, what they desire, it has been said, that he will be, in a short time, restored to those offices which he so long filled, and to which his character, as a friend, and his abilities, as a statesman, were an honour, which perhaps they may not, in a very short time, receive again.

But, my lords, if my vote were to be taken upon the question, whether this man, thus worthy, thus accomplished, and thus amiable, should be called again from his retreat, and restored to confidence and to power, I should not easily consent that we should expose ourselves to all the nations of the earth for our inconstancy, or be stigmatized as children who are pleased and angry without cause; who throw away what we have long enjoyed, only because it is familiar, and lament the loss of it, because it is no longer in our power. In a time of war, at least, we ought, surely, my lords, to appear steady and resolute, lest we become at once despicable to our allies and to our enemies. Since power is, for whatever reason, lodged in the hands of the present administration, let it be continued in their hands so long, at least, that we may not be thought, by the rest of mankind, to trust without merit, and to disgrace without crimes; let us, at least, take from our enemies the hopes which they would naturally entertain from frequent alterations; that in a people, so variable and inconstant, a change will sometime be made, which may enable them to influence our counsels, and that we shall soon have ministers whom they can either corrupt with money, or intimidate with menaces, or deceive by artifices. Let us shew that, while the war continues, we are wise enough to suspend our private resentments, and that no general enemy is to expect any advantage from our domestic disputes; that however we may disagree, with regard to particular questions relating to our government, we can all unite against France, and that we prefer the restitution of Austria to the destruction of our own ministers.

It has been already observed, by a noble lord, that the people are industriously incited to oppose the measures of the ministry, and that reports are circulated through the nation, of which the tendency is to alienate the minds of the people from their lawful governors; to excite sedition, and exasperate resentment; a complaint, my lords, not in itself false or unreasonable, but certainly not very graceful, or very affecting in the mouths of our present ministers. For, by whom, my lords, was this multitude of popular writers first raised into regard? Who encouraged them with smiles, or perhaps fed them with pensions? Who recommended their scurrilous performances to the attention of mankind, and justified their unbounded licentiousness with artful apologies? Who, my lords, but those who complain now of that licentiousness, and find that scurrility turned upon themselves? Those who, by the assistance of these wretches, rose into power, and, after a long struggle, drove from the helm of government a noble person, whose calmness, generosity, and fidelity, supported him against all their efforts, and whom his extensive knowledge, and uncommon abilities, justly exalted to superiority? These, my lords, are the men who lament the virulence of scandal, and the malignity of weekly libels; these are the men who now wish to snatch the instruments of mischief from the hands in which they placed them, and which they taught to use them with fatal skill. Let them complain, my lords, but complain without pity; for they feel only that pain which they inflicted with the utmost wantonness of malice, and are overborne only by the torrent of invective, from which themselves first broke the banks, that they might turn it upon their opponents. Let them now learn themselves, and by their example teach their successors, that every art of wickedness at last is practised against its inventor.

Yet, my lords, I am far from intending to insinuate that the enormous licentiousness of writers deserves no animadversion; for it is in reality a public evil, which the nation ought not to feel, though it may be deserved by some particular persons; and it would, in my opinion, be an act worthy of this great assembly, to contrive some proper and equitable measures of restraint. Let it not be understood, my lords, that I am about to condemn the liberty of the press; that I have any design of taking from my countrymen that inestimable privilege, or destroying the distinguishing prerogative of a free people. The liberty of the press, my lords, ought to be reverenced as sacred, and to be kept with the most anxious care from the approach of violation. The liberty of the press, my lords, I shall never be induced to censure: for I consider it as one of the chief privileges of my birth, and rather than pronounce a vote against it, I would bite off my tongue, and spit it on the ground.

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Yet, my lords, I cannot perceive that the regard which is to be paid to liberty, ought to be extended to the abuse of liberty; or that the constitution of any country should protect its inhabitants in wicked actions; in the dissemination of falshood, or the defamation of public or private characters. This liberty, like liberty of every other kind, may surely be limited without being destroyed; and to limit it without destroying it, would be worthy of the greatness and wisdom of this august House.

At present, my lords, very different considerations demand our attention, and demand such degree of attention as is proportioned to their importance. We are at present engaged in war, in a war against the most powerful, and the most malignant of our enemies; against that nation with which only no happy peace can be made, till we have disabled it from making war; and we now are required to deliberate upon the most proper methods of preparation: for that war cannot be made without soldiers, and that an army must be supported, cannot be denied.

I shall, therefore, lay aside at present all other purposes, and apply myself only to the question before us, without any regard to the merits or faults of the ministry; for the interest of the public is the same, however happy or unhappy we may be in the choice of those by whom our affairs are to be administered.

This debate, my lords, has been carried on with great ardour and dexterity on both sides; nor do I believe that sagacity or wit can add much to the arguments which have been produced; and therefore, as we may justly suppose that a recapitulation of the reasonings which we have heard, will shew us the whole compass of the question, it will be sufficient to recollect them, in order to an honest and judicious decision.

By the noble lords who defend the motion, it has been urged that it is not necessary to continue the Hanoverians, because we may supply them by our own troops, or by an equal number from some other potentates, which are to be preferred to them, as they will be less disliked by the English nation.

It is maintained, likewise, that it is necessary to dismiss them, because the detestation, which is universally expressed by this kingdom, is undeniably just; because it arises from facts which cannot be denied; from instances of cowardice, disobedience, and arrogance, and usurpation, multiplied beyond example, and beyond patience, upon provocations so long continued, and so often repeated, that the armies cannot act together. It is declared that the Hanoverians have been distinguished by marks of partial affection, which very naturally and justly offended the English, and that it is, therefore, absurd to unite troops whose affections are opposite, and which would rejoice in the destruction of each other.

To this it has been answered, that as the time approaches in which the army is to be drawn into the field, it is impossible to supply the loss of those troops, if they should be now dismissed; that the people have, indeed, been misled by false reports, but that every transient uneasiness of the people is not to produce a change in the measures of the government; that they will be reconciled by the subsequent discoveries, and will applaud those whom they are now persuaded to censure, when they shall have at once a complete view of the whole scheme of the war. It has been alleged, that though, perhaps, some disputes may have arisen, and some mistakes given occasion to discontent, yet the hatred of the two nations is by no means such as has been represented, and that they may at least more safely continue to act together, than they can at present be separated; since a separation, so unseasonable, might discourage our allies, elevate the French, and produce consequences, very detrimental to the whole confederacy.

These, my lords, are the arguments which have been offered on either part, and I shall once more profess my contempt of all other motives, than those of truth and integrity, when I declare that, in my opinion, the reasons for the continuance of the Hanoverians ought to prevail. It is, in my opinion, irrational to disband our forces at the time when they may begin to be useful; to pay them in the winter, and dismiss them in the summer, is surely conduct so contrary to the general principles of prudence, that stronger arguments ought to be produced in its defence, than I have yet heard in this debate.

It has been said, indeed, that the end for which they were retained is in part effected, and that the queen of Hungary is not only secure in the possession of her own dominions, but mistress likewise of Bavaria. But, my lords, an accidental seizure, or a sudden conquest, is not to be considered as settled possession. She is not

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acknowledged sovereign of Bavaria by the neighbouring princes; she is not confirmed in her conquest by any formal cession, nor is supported in them by any guarantees. It appears, therefore, to me, my lords, that her possession of Bavaria must be continued by the same superiority of arms by which it was gained, and that an unseasonable reduction of our armies will hazard all those conquests, which the augmentation of them obtained.

It is urged as reproachful to the opponents of the motion, that they urge nothing in defence of their procedure, but necessity: and what need, my lords, is there of any other argument, if that necessity can be evidently shewn? On what side soever necessity shall be found, all ratiocination is precluded; for who can dispute whether that which cannot be rejected ought to be admitted? It is superfluous to add any arguments to necessity, because it is in itself superior to all dispute, since dispute supposes choice, which necessity excludes.

But, my lords, I cannot discover any reason for admitting necessity on either side, though each party has pretended to claim it. The question is not what is necessary, but what is proper; and as I have already declared that I think it proper to continue the Hanoverians in our pay, I think it convenient to lay before your lordships the reasons upon which my opinion is founded.

With regard to the insolence and disobedience of the Hanoverian troops, and the partiality with which they have been distinguished, in contempt of the English; though I do not credit every flying report, nor doubt but many accidents have been aggravated into designs, and many designs loaded with circumstances of detestation; yet I am inclined to believe that, of the many facts which are so confidently told, some, at least, are indubitably certain, and that on some occasions the honour of the English troops has not been preserved with sufficient care. I doubt not, however, but that every fact has given occasion to a thousand fictions, and that many things, indifferent in themselves, were considered as grievances and contumelies, when the troops were once heated with an opinion of partiality, and think it by no means improbable, that nothing but partiality to the English would have been sufficient to appease their resentment.

These acts of preference, whatever they were, or how few or how numerous soever, I am very far from thinking either wise or just. That they were not just, is evident from their nature, and confessed equally by those who endeavour to extenuate, and those who labour to exaggerate them; and that they were not wise, appears from this day's debate, in which those distinctions, which were by false kindness paid to the troops of Hanover, are now urged, and urged with great reason, as the strongest argument against them.

But, my lords, I am inclined to believe that this argument has been pushed too far, and that no such hatred has been kindled between the two armies as may hinder them from acting together. That I might be more fully instructed with regard to this important question, I consulted a great officer, whether he thought that the two bodies might continue for another year to be employed without danger: and was answered by him, "that if the officers would on both sides endeavour to maintain concord, and cultivate kindness, and accommodate disputes at the beginning, they might very safely act together." And, if they can act together, my lords, I know not why we should be desirous of changing the troops of Hanover, for those of any other nation less dependent upon us. For though we may have no particular affection for the people of Hanover, yet why we should consider them with any peculiar degree of detestation, I am not able to discover. If Hanoverian troops will do the same service for the same pay, I shall as willingly vote for the retention of Hanoverians as of any other forces.

But, my lords, it has been alleged that they have neglected their duty, and have refused to obey the orders of British officers; that they have been found useless in the day of action, and therefore ought to be discharged. These reports, my lords, are, I suppose, the clamours of the English troops; clamours that derive their original from real facts, but which are aggravated by the fictions of malice and resentment. It cannot, indeed, be denied, that some complaints were always whispered, from the time of the junction; but they all seemed to vanish at the news of the battle of Dettingen. Nothing then was heard but universal joy, till the former discontents were revived and aggravated by some letters sent from the army, and published without names. From that time, my lords, the clamour grew every day louder, till at length it was said, that the

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nation would not be satisfied without the dismission of the Hanoverians.

If it was certain that other troops would be more obedient or more faithful than the Hanoverians, I should not hesitate a moment to add my voice to that of the people, and would vote for the dismission of these troops, which, whether with or without reason, are so generally detested, whenever it should appear that others could be obtained. But, my lords, though it should be granted, that the Hanoverians have not paid the highest degree of respect to the orders of their British commanders, how shall we be certain that the troops which we may hire in their place will not be equally contumacious, without being equally punishable?

In the last great war, my lords, the troops of Denmark received orders from their king, not to march till their arrears should be paid, and, in consequence of these orders, they refused to observe the command of the general, and persisted in that refusal till the duke of Marlborough pacified them with his bond, that the public service might not be retarded.

But, my lords, though other troops might be less insolent or refractory, I am informed, by a very intelligent foreigner, that no other troops can be procured, and that other powers would augment their armies with mercenaries, if mercenaries were to be obtained. There appears, therefore, to me, to be no great probability of advantage from the dismission of the Hanoverians, because it is not certain that any other troops would not give the same occasion to complaint; and it is likewise very doubtful, whether any other troops can be procured.

The chief reasons for dismissing the Hanoverians are, the partiality with which they have been preferred to the English, and the universal clamour of the people against them; nor do I deny that these are motives of great weight, and such, that either of them would be singly sufficient to determine me in favour of the motion, did I not find very momentous arguments to weigh against them; arguments which, in my opinion, incline the balance. For though the dismission of those troops would gratify the people, yet the man who would gain the people's favour by injuring their interest, is not a friend, but a sycophant; and though some odious instances of partiality should have been shewn, yet we are not, in resentment of partiality, which perhaps will never be repeated, to give up the continent to the ambition of France.

That the dismission of these troops must weaken our army is evident beyond contradiction; nor is it less evident that the time approaches, in which our whole strength will be required; and, therefore, though I cannot deny that what has been offered in defence of the motion, has affected my passions, and sometimes inclined my reason to compliance, yet, when I consider the whole question deliberately, I think it rather more safe to continue the Hanoverians in our pay than to dismiss them.

The Earl of *Chesterfield:*

My lords; this question has been already so long and so accurately debated, and the motion has been so amply justified, by the noble lords who have spoken in its defence; the facts upon which it is founded have been so evidently proved, and the consequences to be expected from them so judiciously traced, and so fully displayed, that I should not attempt to offer my sentiments, so late, to this House, did not my duty to my country oblige me not to decline any endeavours which may contribute to the illustration of this important question; a question which may, perhaps, involve the fate of many nations, and in which it is reasonable to believe, that we are at once deciding the fate of the House of Austria, and the people of England.

The importance of the question is, indeed, universally allowed, and that importance, my lords, is a sufficient excuse for an interposition, which, upon an occasion less affecting, might appear unseasonable. I shall, therefore, endeavour to enforce the arguments which have been offered in favour of the motion; to confirm those facts which are in those arguments proposed; and to answer the reasonings, if any reasonings can be found, which have been urged in opposition to it, or which the ministers appeared desirous of urging, if desire could have supplied the place of ability.

Yet, before I engage in attempts to dissipate the mist which has been raised, I think it necessary to do justice to the noble duke, who has shewn a generous contempt of all the hateful arts of sophistry, and has admitted what he scorned to deny, because it is true, or to defend because it is criminal; he has, indeed, offered his sentiments with candour, openness, and magnanimity becoming his character; and

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though he has determined against the motion, has determined in such a manner as must force the reverence, esteem, and love, even of those whom their conscience obliges to oppose him.

He is, indeed, the most powerful of the opponents of the motion, because he appears to speak the sentiments of his heart, and really to believe, what he asserts, the necessity of retaining those troops, of which he disapproves the conduct, and whose continuance he did not endeavour to defend by any other argument than that of necessity; necessity which, if it does exist, can exist only by the negligence of the ministry.

It is not to be imputed to contempt or negligence, that the noble duke, who is so well qualified to defend whatever can be defended, has, on this occasion, superseded all argument by having recourse to necessity. He knew that, supposing choice, no argument could be brought which could influence the nation or the House to choose Hanoverian mercenaries; and he scorned to palliate those acts of partiality by which his countrymen were dishonoured, or of insolence and usurpation by which they were oppressed. He knew that the behaviour of the Hanoverians was such, that they could be borne only because they are necessary, and that the patience which such evils require is, that which arises from the impossibility of removing them.

That it is really necessary to continue them, I am, indeed, very far from admitting; and in this only do I differ from the noble duke; for I agree with him that necessity, if it could be made evident, would overbalance all the arguments which can be produced by the advocates for the motion; and that all the arguments which have been urged against it will avail nothing, if this powerful, this insuperable necessity be once removed.

How little all other arguments weigh without the addition of necessity, will appear by suspending them once more in the balance, and placing against them the opposite power of objections and contrary arguments. It will soon be found, my lords, that they have no solidity, and that however bulky they may appear, when puffed up with the breath of hirelings, they will vanish into nothing at the touch of truth, and discover their emptiness in the scale of reason.

It has been urged in favour of the motion, that the two armies cannot act together with safety; and it has been very naturally inferred, that it is requisite to separate bodies so heterogeneous that they will contend for ever, and cannot be united by any endeavours into one mass. But the noble lord who spoke last has, by diligent enquiry; by enquiry proportioned to the importance of the question, of which he declares himself fully convinced, attained a discovery which he thought worthy to be communicated to the House, and which he seems to imagine may very much assist us in forming our decision.

He has consulted, my lords, an officer of great eminence, and has been very judiciously informed by him, that the two armies may act together without danger, if the officers concur in doing their duty. What is this, my lords, but to declare that the armies cannot act together without a prodigy? That, in order to the safety of their combination, something must happen that never happened before? For when was it found, my lords, that the officers did not frequently fail in their duty? Had not the officers of one or of both bodies failed, the complaints which have been echoed round the nation could never have been heard; and why should we expect more prudence or honesty in the ensuing campaign than we found in the last? It cannot be doubted, my lords, but the officers of both bodies are now equally heated with zeal for the honour of their countries; that the Hanoverians are resolved to keep what they have gained, and probably gained, in their own opinion, by their merit; and I hope the English are not less determined to recover what they have lost, and lost only by being born in England.

When this is the disposition with which two armies enter the field, what can be expected, my lords, but endless discord and hourly bloodshed? Can it be hoped that the officers will interpose their authority to promote the violation of their own honour; or that they will not secretly connive at the spirit of the soldiers, whenever they shall assemble to revenge an indignity, or defeat a design of usurpation? May it not be feared or hoped, that they will openly declare for the superiority of the English soldiers to the mercenaries of England, and rather draw out their troops to battle against their insolent associates than against those enemies by whom they might be insulted with less reproach?

To declare that the two bodies may still be combined if their officers suppress

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all disputes, is to declare that fire will go out if there be nothing to support it; but the question now is, whether it will be expedient to kindle a flame once more in that pile, which was last year with difficulty preserved from being consumed?

Surely, my lords, the fate of the war is not to be trusted to such schemes; to schemes which cannot succeed but by the concurrence of such circumstances as never were found to concur before; nor is the nation to be exhausted with expences from which no advantage is to be hoped, and which can only hire one part of our army to destroy the other.

It has been observed, likewise, that by the dismission of these troops our army will be weakened, and the noble lords who oppose the motion ask, with an air of uncommon confidence and satisfaction, whether troops are to be disbanded when they are about to enter the field, and no other can be procured?

This, my lords, has been considered by them as their last refuge, as the sacred anchor by which the Hanoverian cause is to be preserved from wreck, and to this every one has had recourse as the only plea that, even in his own opinion, was of any force. The repetition of the same observation in the same words has furnished out the debate, and we have been told nothing in favour of the continuance of our mercenaries, but that the loss of 16,000 men will diminish our army, and that armies are not to be diminished when they are about to enter upon action.

That the first of these positions is true, that the dismission of 16,000 men will diminish our army, is undoubted; nor can it be denied that, after the loss of the Hanoverians, the reviews will be less magnificent, and the follies on a festival less loud, the camp will be of less extent, the carriages fewer, and the whole show of war somewhat impaired. But, my lords, I cannot yet prevail upon myself to conclude, that our strength will be diminished with our numbers, or that we shall be less formidable in the field, though we may be less expensive and burthensome in the march. For by the dismission of the Hanoverians no hands will be lost; there will indeed be less meat consumed, and some images of soldiers will be missed, but all the men of action will remain, and the enemies, whenever they assault us, will not perceive the difference of our numbers. By dismissing the Hanoverians we shall only sweep away the refuse of our army, which encumbers our camp, and embarrasses our motions. We shall only send away the caterpillars which devour our victuals; we shall only drive out the drones which trouble the quiet of the hive, and eat that honey which they never made, and which they dare not defend; we shall indeed lose 16,000 of our number, but it will always be remembered that those 16,000 were natives of Hanover.

I am, therefore, very little disturbed at that embarrassing question, will you disband your troops at the beginning of a campaign? And shall answer in few words, that, if my advice be followed, they should be disbanded. For, my lords, all troops which are known to be useless may be with no less propriety be disbanded at one time than at another. The approach of the time of action is of no consideration when we are disputing about troops which will not act; at least, if it can be thought necessary to be taken into our deliberations, it will afford one reason for dismissing them, which is of less force at any other time; for provisions will grow less plentiful as they advance towards the enemy, and, therefore, it will be necessary to rid our army of a hungry multitude, whose appetite bears no proportion to their valour, and who will eat like lions, and growl over the meat, and when their bellies are full, will insult those by whom they were fed, but will never be animated to courage; and who, though they may steal an Englishman's dinner from his knapsack, will never disturb the quiet of the enemy, but suffer him, without interruption, to eat and slumber like themselves.

Such are the troops, my lords, whom we now propose to disband, and who may in my opinion, be disbanded without much inconvenience, though the armies were drawn out to battle, and the enemy sounding the charge. For of what importance is it, how few of these wretches are to be found in the army, who are too timorous to fight, and too much favoured to be exposed to an attack? Had the Hanoverians been considered as proper objects of the first heat of the battle; had the English been suffered to drive them before them, and goad them forward with bayonets to the attack, they might have been at least of some use; for they might have blunted the swords, and wearied the hands of those whom they would not resist; and might have made the victory less difficult to their associates, by their de-

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struction, though no assistance could be hoped from their valour.

But, since it was thought proper not only that they should suffer no hardships, but that they should incur no hazard; since they accompanied the forces of Britain, not to share their fatigues or their dangers, but to eat up their provisions, and exclude them from their quarters; since they entered the field not to encounter the enemy, but to gaze on the battle in security, from a post where they could scarcely hear the noise of the action; since they expect the honour of guarding our sovereign in the camp, but leave our English the task of protecting him in the field: it appears to me, my lords, that no time can be improper for their dismission.

The insult which was offered to our free-born countrymen, by suffering his majesty to be guarded at Aschaffenbourg by Hanoverians, has been by some misrepresented, and by others extenuated. It has been observed, as an excuse, that the English foot-guards were absent, when the Hanoverians had that signal, that invidious honour conferred upon them; when the continent was astonished at an appearance never known before; the appearance of a king of England guarded by Hanoverians; guarded not by the troops of which it is his greatest title to term himself the commander, but by the mean hirelings of a despicable electorate, a mean subordinate principality; guarded not, my lords, by the sons of liberty, by the men who have rights and privileges to defend, but by slaves who can lose nothing by changing the name of a master, and who may lick the feet of one sovereign as contentedly as of another; guarded, not by men who have the honour of serving a crowned head, and who may console the misery of servitude with reflections on the dignity, the grandeur, and the power of their sovereign, but by the growling, the contemptible, the hungry lubbers of a country, remarkable only for its poverty. If the English were absent, my lords, it has been already with great propriety demanded, by whose direction, and for what reason they were absent. It has been already alleged, that though the guards were absent, any other regiment ought to have been employed; and that no slave, no coward, no Hanoverian should have been suffered to carry a weapon, as the guard of a British monarch; of that great monarch who has the honour of leading freemen to the battle, in defence of the general privileges of human nature. But it might, likewise, have been remarked, that though the English forces had been all absent, there were troops by whom our sovereign might have been guarded with less dishonour than by Hanoverian mercenaries. The soldiers of Austria, my lords, though they cannot boast the great privilege of liberty, are yet the soldiers of a crowned head; and might, with great propriety, have been preferred to the natives of an electorate—a province of that empire which has for so many ages been governed by ancestors of their mistress.

But, my lords, it is evident, that this insult was not the effect of accident, or even of negligence; but that it was an insult, designed and premeditated. For how, or upon what pretence, could the guards be absent from the king; or how far can it be supposed that they were distant? Had the Hanoverians only been possessed of this post of honour for a few minutes, it might have been excused, among a thousand other blunders; but when the English were condemned to the mortification of seeing their sovereign surrounded for three days by their mercenaries, they could no longer impute that disgrace to the folly of their monarch's counsellors; but must, of necessity, consider it as the effect of their villainy.

A further proof of the execrable motives to this act of insolence, appears from the measures which were, at last, found necessary to restore the English to their right—to the right of guarding their own monarch. An Address was offered to his majesty, in which this grievance was represented, and the Hanoverians were then immediately removed.

This, my lords, is sufficient to shew, that the insult was not the act of his majesty, but of his counsellors—of the contemptible sycophants by whom he was surrounded; wretches who, to gain the momentary favour of their master, and open an easier path to riches and titles, were ready to brand their country with infamy, and to expose the troops of Britain to the contempt of all the nations of the earth; as unworthy of the rank which hitherto they have held with reputation; unworthy, in a time of war, to be entrusted with the person of their sovereign—of that sovereign whom they had followed to the war with zeal and loyalty, proportionate to his virtues. The king, indeed, was very far from appearing to distrust them; for, no

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sooner did he know their complaints, than he removed the cause, and ordered the English to resume their post.

Let it not, therefore, my lords, be imagined, that I intend to accuse his majesty of misconduct, or of partiality; for none of your lordships can regard the person of our sovereign with greater reverence than myself; but my reverence for his person determines me, my lords, not to betray his interest, but promote it; and his interest can be promoted only, by restoring to him the affection of his people, who are so much exasperated by the repeated ignominy with which the late campaign has loaded England, that they can never be reconciled to the government, but by the dismission of those hateful Hanoverians.

That such are the clamours of the nation; that universal discontent prevails among the people, your lordships may readily discover, by mingling in places of public concourse, or by enquiring of your own attendants; and, therefore, the notoriety supersedes all attempts of proof. If this dissatisfaction terminates in hatred of these counsellors, by whom the king has been so apparently misled, it is to be hoped, that every day will contribute to its confirmation; but if it extends, or may probably extend to the person of his majesty, it ought to be extinguished and suppressed, and the means of its extinction ought not to be delayed.

Nothing is, indeed, more unjust, than to censure the king for this enormity of conduct, which the uprightness and candour of his disposition never could have approved, if it had been justly represented to him. His majesty, my lords, is doubtless without any intentions unbecoming a British monarch; but it is to be remembered that, perhaps, none that ever sat upon this throne, were so easily misled, or lay open on so many sides to the artifices of sycophants, who by servility gain confidence, and by misrepresentation abuse it. The king, my lords, is easily, very easily deceived, as may appear from the grossness of their practices, which have been carried on in his reign without detection: for, being himself without artifice, he is also without suspicion, and his honesty obstructs the exercise of his sagacity; his ear is, therefore, open to every flatterer, and he is misguided not by depravity of will, but by the openness and warmth of his temper.

This, my lords, I speak without fear, because I know that I am speaking truth; and that I am promoting, by what I say, the interest of the present family, whose resentment I am so far from expecting to incur, by this declaration, that I wish they were all present at this debate, that I might explain their real interest in public, and tell them what they cannot hear from those who first endeavour to search out their dispositions, and then meanly pay their court, by heightening those inclinations which nature has already made too much predominant. Were they now to hear me, I should have an opportunity, which I would not lose, of counteracting the flatteries of the wretches who surround them, and of shewing what a free people expects from them, and particularly how much danger they may hazard, by continuing any longer in our pay the troops of Hanover.

The necessity of dismissing these worthless mercenaries would easily be shewn; for though the noble lord appears to imagine that all complaints would have been lost in the shouts of victory, if letters from the army, published without names, had not re-kindled the flames of discontent, it is very certain that as the murmurs of the people were not without reasons, they would not have been appeased till those reasons were taken away.

That the reports which have been spread of the conduct of the Hanoverians are true, has been confirmed in general by the noble duke who seconded the motion, who having served the campaign, must be supposed well acquainted with whatever was transacted; and whose character will not suffer us to conceive that he would countenance, for a moment, an opinion which he thought groundless or unjust. And if any other proof can be wanted, it is abundantly supplied by the silence of the noble lords who have had the same opportunities of knowledge, and whose circumstances are such, that their silence is an incontestible testimony. They have been solemnly required to confute what they do not seem much inclined to promulgate, and have not risen at the summons, but admitted what they scorn to deny, though they may desire to conceal it.

It was remarked, by the noble lord, that these letters which inflamed the people had no names; which cannot raise much wonder, when he observes on the same occasion that they were written from the army: I cannot however think it of any great importance whether they had

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names or not; for what they published appeared to have been true, and, therefore, though the authors might have been punished, they could not have been confuted.

It had, perhaps, been no disadvantage to the writer, if the letter had likewise been published without a name, in which the wonders achieved by the Hanoverian artillery were so elegantly related, and in which the battle was described with such unusual skill. But, my lords, this letter, which might surely have outbalanced a thousand nameless performances, was disregarded and forgotten, while those which recounted the insolence, the disobedience and usurpation of the Hanoverians, were carried round the nation. Such is the force of truth, and such the distrust of the Hanoverians.

These Hanoverians, my lords, it will surely be at last thought by your lordships expedient to dismiss; the time will surely come at last, in which the feeble voice; the voice, though feeble yet unanimous, of people struggling under burthens too heavy to be supported, shall at last be heard; when a free nation shall no longer call out to their nobles for redress, and see their petitions overpowered by the influence of the ministers whose trade is oppression; and when your lordships shall at length consider your own dignity, and determine to support it by justice and by mercy.

By no other means, my lords, can we continue to enjoy that influence and authority which the virtue of our ancestors transmitted to us, than by redressing the grievances, and watching over the safety of the public. When our fellow-subjects have long looked up to us for relief from oppression, and found their expectations continually disappointed, they will in time learn that we are only an assembly of splendid dependents; that our authority is only to injure, not to redress, and that we are entitled the executioners of the ministry to punish the people, but have no right to enquire into the justice of the sentence.

Then, my lords, will this House lose its influence and its authority; then will our titles become empty sounds, and our assemblies an idle show: then will this House, so famous for wisdom of debate, and steadiness of resolution, become the seat of ignominious indolence, where servility may hug her chain in pomp, and supineness slumber without disturbance. This House will then become only a shelter for those whom the resentment of the people drives from among them, from whence we may, perhaps, for a time exclude danger, though we cannot drive out contempt. I shall, therefore, hope that your lordships will think it your indispensable duty to agree to the motion.

The Marquis of *Tweedale:*

My lords; I cannot imagine that harsh language contributes to the discovery of truth, and therefore think this debate might have been carried on with equal advantage to the nation, though less virulence of expression had been vented. We ought to reflect, my lords, that military characters are very tender, and that therefore, we ought not to divert our imaginations with sporting wantonly upon them, nor ought to censure the conduct of soldiers, without that candour which is always due to so hazardous a profession. At least, my lords, it will be allowed that soldiers, like other men, ought not to be condemned without proof: and I have not yet found by what testimony the crimes imputed to the Hanoverians have been evinced, and am still less able to discover how it can appear that they will be useless in the next campaign; for the notoriety of past actions is often an empty sound, and surely no man will pretend the notoriety of future events. Since, therefore, the past is uncertain, and the future unknown, I can find no sufficient argument for fixing any censure upon the Hanoverians; and as their dismission must weaken our army, and weaken it at a time when it is reasonable for us to exert our full force, I shall vote for their continuance.

The Earl of *Bath:*

My lords; though I am, in general, very far from thinking that parliamentary debates are detrimental to the public; though I am convinced that truth is very much struck out by the collisions of controversy, and that the fire and acrimony of controversy frequently incites vigilance and application; yet I think this exercise of the faculties, ought to be confined to times of leisure and of peace, when the public affairs may be suspended without any disadvantage to the nation, and when the time that shall be lost in altercations, may be repaid by the discoveries that shall be produced. But in time of war, my lords, when every moment is of importance; when an opportunity lost can never

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be regained; and when every day which is spent in domestic differences, adds strength to the enemy, we ought to throw aside all petty animosities, and unite for our common safety.

At present, my lords, we are fighting against the oppressors of mankind, for the restitution of the balance of power, and, by consequence, for the security of our posterity. We have, indeed, delivered the dominions of Austria from their invaders, but we are now to punish those outrages which we have defeated; we have driven the robbers out of the house, and it now remains that we drag them to execution. But when the victory is about to be completed; when our enemies are making their last effort to oppose us, we are advised by the noble lords who vindicate the motion to disband our troops, and their advice is repeated with restless importunity, and maintained with the utmost vehemence of declamation, and the fiercest rage of invectives. From such disputes as these, my lords, have the French always drawn their hopes of success against us; their hopes have indeed been hitherto vain, and, I hope, will never be justified by success. I remember, my lords, a story of the method by which one of their kings was dissuaded by a wise minister from invading England, at a time when it was torn by faction and contention, a circumstance which always gives encouragement to our national enemy.

Nothing, my lords, can be more unreasonable, more encouraging to our enemy, than to disband our forces at a time like this, nor more inconsistent with our resolution to support the queen of Hungary, and the Address which we unanimously made to his majesty. I, my lords, was one that attended the presentation of that Address, and never saw on the like occasion so numerous and splendid an assembly. We have acted in consequence of our resolutions, and our success has answered our hopes. Let us not, therefore, my lords, defeat our own designs, and annihilate our own actions by an unseasonable parsimony, or unnecessary jealousy; but let us continue our army in its present strength, till we have compelled the French to sue for peace. [He then sat down, but being reminded by one of the lords, that he had not told the story to which he referred, he rose again hastily, and continued thus:]

My lords, I forgot the story which I was about to relate, of the method by which one of the French ministers once diverted his king from a design of invading England. He invited the king to see a show, and when he was seated, ordered two English bull-dogs to be loosed into an open space. The dogs, full of the mettle of their country, finding no employment for their courage, began to growl at each other, and had repeated their provocations on both sides, till they were about to decide their quarrel by a battle. At that instant a bull was, by the minister's orders, sent into the inclosure, and the dogs at the sight of their natural enemy, immediately forgot their private animosities, and rushed together upon him with the utmost fury. This, Sir, said the minister, is a representation of the people of England, and thus will they act whenever they shall be invaded.

Viscount *Lonsdale:*

My lords; as the noble lords who have opposed the motion, have insisted principally, if not wholly, upon the danger of weakening our army at the present juncture, I am inclined to believe that my proposal, by which I intended to preclude that objection, was either not regarded, or not explained by me, in such a manner as might make it fully understood. I proposed, my lords, not that the queen of Hungary should be resigned into the hands of her enemies; not that the common cause should be forsaken, or that our army should be so far weakened as to bring us into any danger, from which 16,000 Hanoverians can preserve us: for according to my plan, the Dutch are to bear half the expence of the war; and then, my lords, the army may, without any insupportable burthen to either nation, consist of 80,000 men; a greater number than is now employed, and which may be sufficient for any purposes of defence; and it is admitted, that we are not to make acquisitions. But, my lords, if we go on to bear the whole expence, when the public debt is continually increasing, and nothing remains to be taxed, we shall not long be able to make opposition.

The Earl of *Bath:*

My lords; as I cannot think the consequence necessary that we should disband our troops, unless the Dutch can be influenced to concurrence with us in carrying on the war; as I am of opinion that we are able to oppose, without assistance,

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the designs of France, and to force our enemies to a peace by our natural strength; so I am by no means pleased with the complaints, which the noble lords have made of our weakness and our poverty; complaints not wholly just, and certainly unseasonable on the present occasion. Poverty and weakness, my lords, are never to be voluntarily exposed; they are to be hid from our enemies, though they are felt by ourselves; for nothing can be more absurd, than to hope that our enemies will grant us an advantageous peace, only, because they know that we are unable to continue the war.

If the noble lord who has endeavoured to shew the difficulty of supporting the army, which is now in our pay, was employed to negociate our affairs at the court of France, he would surely think it necessary to speak in a very different strain; he would not inform the French ministers, that we are unable to pay our troops for another year; that we are compelled to anticipate our revenues, and mortgage the properties of our posterity. He would surely declare our resolution to continue the war; he would assert our ability to support it; he would display our riches and our power, and would boast of the inexhaustible supplies of trade, and the unnumbered multitudes of our people.

In war, my lords, it is proper to talk with spirit: and, perhaps, more necessary as our difficulties are greater; at least it is ridiculous to represent our distress as more urgent than we feel it, or to encourage our enemies by promising them success upon easier terms than it can in reality be obtained; and since whatever is said in this House will be immediately made public, nothing can be proper here which would be not proper at the court of France.

The question being then proposed, was determined in the negative, by 86 against 41.

Protest against rejecting the said Resolution.] Upon which the following Protest was entered:

"Dissentient:

1. "Because we conceive, that the demand made in the estimates, for the continuance of the 16,000 Hanoverians in the pay of Great Britain for the ensuing year, rendered the interposition of this House against so fatal a measure the more necessary, inasmuch as it seemed now to be the only means left to prevent it.

2. "Because we apprehend, that every national purpose, pretended to be answered by these Hanoverians, may be more effectually served by an equal number of troops, supposing such a number to be necessary, free from the same objections, either of foreign mercenaries, who will thereby be prevented from engaging with our enemies (of which the Hanoverians, when unpaid by us, cannot, we assure ourselves, be suspected), or, at least (which is evidently practicable, even at this time) partly of mercenaries, and partly out of the great and extraordinary establishment of national troops now in this kingdom.

3. "Because it appears to us, that these Hanoverians, though in the pay, can hardly be said to have been in the service of this nation; some refused to form in the first line at the battle of Dettingen, and retired to the second; others refused to obey the orders of the British general, and march in the pursuit of the enemy after the battle; and the greatest number of them, who, together with some of the British guards, composed what was called the rear guard, under the command of an Hanoverian lieutenant-general, took a different route in the march from the rest of the army from Aschaffenburg: and such a one as not only rendered them wholly useless to the army, when the French attacked us in front, but would have rendered them equally useless, if the French from Aschaffenburg (where we left the passage open to them) had attacked us in the rear, in which it was pretended that these troops were left, as in the post of honour: nay, not contented to avoid being of use, either in the front or in the rear, but determined to be of use no where, they halted as soon as they came within sight and reach of the battle, though pressed by the British officer, and invited by the ardour of the British soldiers to share the glory, and complete, as they might have done, the victory of the day. These facts (together with many others which we omit) asserted in the debate in presence of many lords of this House, who served in the last campaign, denied by none of them, and confirmed in general by a noble duke of the highest rank and character, prove (as we conceive) these troops to be useless, at least if action be intended; and we will not represent, even to ourselves, what reasons there can be for demanding them, if action be not intended.

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4. "Because, if, as it was insinuated in the debate, other mercenaries could not be relied on, as belonging to princes of the empire, inclined to, or engaged with our enemies, these Hanoverians would, as we conceive in consequence, be useless to the common cause: since it would be in the power of those very princes, by only marching their troops into proper places, to recall these mercenaries from us, and confine them to the defence of their own electorate, or disarm them at least, by a second neutrality.

5. "Because it has not been pretended, that the administration has so much as endeavoured to obtain any other foreign troops whatsoever, notwithstanding the long notoriety of the universal and deeply-rooted dissatisfaction of the nation at the present measure. A neglect so unaccountable and surprising to us, that we fear the nation will rather suspect that we are to have no other troops, than believe no others are to be had.

6. "Because we conceive, that the future co-operation of our national troops with these mercenaries has been rendered impracticable, and even their meeting dangerous; we think it, therefore, indispensably incumbent upon us, to remove the object that occasioned the many instances of partiality, by which the Hanoverians were unhappily distinguished, and our brave fellow-subjects, the British forces, undeservedly discouraged. The constant preference, in quarters, forage, &c. we wish no occasion had been given to remember; but we cannot pass over in silence the Hanoverian guards having for some days done duty upon his majesty at Aschaffenburg, which we look upon as the highest dishonour to his majesty and this nation, and are therefore astonished to observe an unusual, and, to every other purpose, useless proportion of Hanoverian guards continued upon the estimate.

7. "Because we apprehend, that the argument urged in opposition to this question; namely, that the withdrawing these 16,000 obnoxious mercenaries, would be weakening our army in the next campaign, alarm our allies, and encourage our enemies, is fully obviated by the methods we have mentioned above, of replacing them; some if not all of which, (notwithstanding the, to us, unaccountable negligence of the administration) are still undeniably practicable: nor can we conceive, in any case, that the removing the causes of discord and division tends to the weakening of that body from whence they are removed: and we are of opinion, that our allies would not (whatever our enemies might) regret the loss of these troops the next year, which, by experience, they found so useless the last.

8. "Because we apprehend, that the most fatal consequences must ensue, should this nation be once possessed with an opinion, that the discouragements and mortifications which our fellow-subjects of the army have received abroad, were derived from any distrust or dislike of the British nation; we are far from entertaining any such opinion, though some degree of foreign partiality may indeed have given occasion to these discouragements and mortifications; though we cannot help ascribing them likewise to some abject flattery, and criminal misrepresentations, which this partiality, blameless in itself, has unhappily given occasion to: and by which, in its turn, it has been fomented. But how groundless soever such an opinion may be, it may still prevail, and the appearances we lament may produce the effects we dread. The motives to that concern, that have been expressed in this House, and the loud dissatisfaction that has been expressed every where else, are in themselves of great importance, and such as would deserve, even if they stood alone, the serious consideration and seasonable interposition of this House. But we confess, that they appear to us still more important, when we consider them relatively to things of the same nature; less apparent, indeed, but equally real, and more detrimental, perhaps, if not more dishonourable to this nation: for the more dishonourable they may be thought, if a continued principle of conduct, whereby the interests of one country are carried on in subordination to those of another, constitute the true and mortifying definition of a province. We will not here call to memory any former measures of this kind, nor recapitulate all the instances that might be given, wherein the blood and treasure of this nation have been lavishly employed, when no one British interest, and, as we conceive, some foreign interest alone, was concerned. Some of these instances were touched in the debate, most of them are well known, and all of them are at this time, by the course of events, manifested to public view. The former were long hid and disguised under political veils; the present could not by their nature be so; they are such as strike

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every one equally, from the highest officer to the common soldier, and carry along with them not only their own weight, but the weight of all those that preceded them: they are such, therefore, in our opinions, as must affect, in the most fatal manner, both the peace of his majesty and his royal family, and the common cause, in which we are now, and may hereafter be engaged. The present royal family was justly called to the throne of Great Britain, in order to secure to us our civil and religious rights, and to remove every false and foreign bias from our administration: the happiness and security, therefore, of both king and people, consist in the inseparable union of all these interests, with the interest of the crown, in a just confidence, that these national views were those of the present royal family. This nation has done every thing that could engage them to adhere to them; and has given to his late and present majesty far greater sums than ever were given, in similar circumstances, to any of their royal predecessors. Whoever goes about to sever the interests of the crown, from any national interests, is an enemy to both; and every measure that does so, tends to destroy both. It is to guard against such attempts, that our zeal for our king and country exerts itself on this great occasion; as our most earnest desire is, that his majesty's throne should be established in the hearts of his people; and as we are struck with horror at every object that can alienate his affections from them, or theirs from him. How much these unfortunate circumstances have already weakened the natural influence of Great Britain in the common cause of Europe, is but too apparent in fact, and could not be otherwise, in the nature of things. Great Britain is a powerful kingdom, and whenever she has acted in her true character, and aimed at that great and noble view alone of maintaining a balance between the powers of Europe, for the common interest of all, the effects have been answerable to the cause; and her influence in Germany, saved by her arms, and supported by her treasures in the last wars, was, as it ought to be, and as it has been every where else, superior. But should it ever appear that an inferior German principality is really, and Great Britain only nominally, the director and actor, such a change in the cause must necessarily produce a deplorable difference in the effect; and Hanover, that can neither give strength nor consideration to Great Britain, may thus diminish the one, and take the other wholly away.——*(Signed)*—Westmoreland, Sandwich, Montjoy, Dunk Halifax, Gower, Boyle, Shaftesbury, Coventry, Denbigh, Oxford and Mortimer, Foley, Huntingdon, Ancaster, G. C.; Talbot, Thanet, Aylesbury, Bedford, Bridgewater, Chesterfield, Litchfield, Hervey, Strafford, Stamford, Abingdon, Beaufort."

*Debate in the Commons on the Subsidy to the King of Sardinia.**] February 1.

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

February 1. Just after the order of the day was called for, which was, that the House should go into the Committee of Supply, sir Miles Stapleton moved to address the king for all the Letters, Memorials, &c. which had passed between the English and Dutch ministers in relation to the Treaty of Worms and the Defensive Treaty with Prussia in 1742; It was not well explained why the motion consisted of two such different parts, which had no visible relation to each other; however, a debate arose, whether this motion or the order of the day should take place, and it was carried for the former by a majority of 69. Then Mr. Pelham moved in the committee, "That 200,000*l.* should be granted to his majesty to enable him to fulfil his engagements to the king of Sardinia, pursuant to treaty."* The opposition contended to have these last words omitted, which they said implied a parliamentary approbation of a treaty which had not been examined, and which they could prove deserved a censure. They did not, however, divide that night, but the next day the debate was resumed upon the Report, and lasted pretty late. G. Grenville or Hume Campbell (I forget which) moved, that the last words, "to fulfil his engagements," &c. being left out, in their room should be inserted "for the use of the king of Sardinia, and the defence of Italy." The principal Speakers on each side were up. The best performances of the day

* The principal Speakers in these Debates were Messrs. Pitt, Doddington, Waller, Hume Campbell, Pelham, Solicitor, Winnington, sir W. Yonge, &c.

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Mr. Fane brought up the Report of the Committee of Supply. On the motion, that the House do agree with the Committee in the Resolution, "That a sum, not exceeding 200,000*l.* be granted to his majesty, to make good his engagements with the king of Sardinia, pursuant to treaty;" the Amendments following were severally proposed to be made to the said Resolution; viz. To leave out the words "to make good," and to insert "towards enabling," instead thereof: To leave out

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were the Solicitor's, H. Campbell's, and Mr. Chancellor of the Exchequer's.

It was urged by those who were for the Amendment, that as they thought the king of Sardinia a useful ally at this juncture, they did not oppose his having the same subsidy that was given him last session, provided it was granted in the like manner, as a free-will offering of the British nation, but they could by no means come into giving it upon the footing of the Treaty; for, in the first place, it was their opinion, that the 8th, which is the Subsidiary Article, tied us down to pay that prince a very large sum, for too indefinite a time expressed in terms never before made use of in Subsidy Treaties, namely, "as long as the war or the necessity should last." Who could tell how long he would interpret that necessity to be subsisting? and they presumed, not only that he would make himself judge of the *besoin*, but that when once the House of Commons had given the money in pursuance of the Treaty, they would be deprived of the opportunity of debating annually how far it was proper to vote it for the current year; and must continue to grant it, right or wrong, till the end of the war.—Some members took occasion from the news then current, that the French fleet was in the Channel, to observe, that we ought to keep our money at home for our own necessary self defence, and not send such immense sums of it abroad.

2ndly, They apprehended that the question, if attentively considered, carried with it an indirect approbation of every part of the Treaty, to which the words of enabling the king to fulfil his engagements in pursuance of it, might be referred, and thus parliament, without entering into a mature examination of the affair, would be understood to give a sanction to the extraordinary article about Final, (which was, if it had a meaning, the highest injustice, and if it had none, the grossest absurdity) and to the laying the nation under the unreasonable necessity of not accepting peace or truce, till the king of Sardinia's acquisitions were confirmed to him by the enemies; and how inconsistent would it be for the House to pass this vote, and afterwards impeach those who were the negociators in the transaction. It was further asserted, that the Treaty altered the whole object of the war, and that the Secret Articles (but this last particular was only whispered on the floor) secured to the queen of Hungary an equivalent for her concessions to the court of Turin: whereas by admitting the amendments, the House would keep clear of all inconveniences, would avoid as yet determining one way or other about the Treaty, and at the same time shew a disposition to preserve a useful ally, and a gallant prince, in the common interest of Europe.

Those who opposed the Amendment replied to this effect; That they could assure gentlemen there was no intention to draw from them any oblique or sidewind approbation of the Treaty, or preclude them by this vote from entering into a minute examination of it, and passing a censure upon it, if they found it deserved one, though they did not doubt but whenever this Treaty was enquired into, it might be defended by solid arguments. The present question could not be construed to extend further than the Subsidiary Article, and the engagements therein specified were only those of paying during the war 200,000*l.* by half yearly payments. Whoever considered the absolute necessity of engaging the king of Sardinia in our alliance on the one hand, and the inviting terms offered him by France and Spain, the risk he run by closing with us, together with his inability to keep up the strength requisite for his own defence against such powerful invaders, on the other, could not think the nation burthened by that article, with an unreasonable expence. The House should besides reflect, that they would have annually an opportunity of judging of the necessity above mentioned, and if they found the king of Sardinia had not fulfilled his engagements, or that the occasion of the war was at an end, they would (as they have an undoubted right to do) refuse the Subsidy.—We had for two years together granted the same sum for the like purposes, and should probably have continued

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the word " majesty's," and to insert the words " majesty to perform such," instead thereof: After the word " with," to insert the words " other powers as his majesty judges necessary for:" After the word " the," to insert " support:" To leave out the word " king:" And also to leave out the words " Sardinia, pursuant to treaty;" and, instead thereof, to insert these words, " the House of Austria, and restoring the balance of power in Europe:" And the question being put, That the words " to make good," stand part of the said Resolution, the House divided. Yeas 167; Noes 125. So it was resolved in the affirmative. Then the said Resolution was agreed to by the House.

Debate in the Commons on the Duty upon Sugar.] Feb. 13. In the Committee of Ways and Means, the following Resolution was agreed to: " That towards raising the Supply granted to his majesty, there shall be paid for and upon all Brown and Muscovado Sugar imported into Great Britain, from any of his majesty's colonies or plantations in America, a duty, after the rate of 2*s.* 6*d.* per cwt. over-and-above all customs, subsidies, and duties, already chargeable thereupon*."

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to grant it, if this treaty had never been made; but with this difference to our disadvantage, that the prince who received it never thought himself tied up from taking better offers from the enemy, or prosecuting his claims upon the queen of Hungary, after giving her the notice stipulated by the provisional convention; whereas, by those claims being now satisfied, and himself at a certainty as to the support with which his allies were to furnish him, he had agreed to act in a perfect union with them, during the continuance of the war. The House was likewise desired to consider the consequence of accepting the Amendments; in the first place, it would be as far as in them lay, advising the king to break the Treaty, though it was never customary for them to take such a step, till after a mature and solemn enquiry. 2ndly, The king of Sardinia would look upon himself as reduced to the same uncertainty that he was in before.—The House of Commons might grant him the money this year, and (though the circumstances of affairs were just the same) refuse it him the next. How would he relish this? After he had in person repelled the united attacks of France and Spain, and was preparing to resist the greater efforts which those two crowns, incensed to the last degree at his joining with us, yet willing to gain him at any price, were preparing against him. Certainly, he must resent this usage as a breach of faith on our part, when he had acted by virtue of a treaty, which he had all the reason in the world to think binding upon all the contracting parties.

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Feb. 13. Mr. Chancellor of the Exchequer in the Committee of Ways and Means moved, that an additional duty of 2*s.* 6*d.* per cwt. should be laid upon Muscovado sugar. It was computed that this would bring in above 80,000*l.*, which would serve as a fund wherewith to borrow 1,800,000*l.* at 3 per cent. for the current service of the year. It was not a very clear point how far this was an eligible fund, and whether the expence would fall upon the consumer or the planter; those who promoted it said, that as the price of sugars had been rising within these few years last past, and notwithstanding the various duties with which it had been charged, they could not think one of no more than a farthing in the pound would lessen the home consumption, though it might raise the price a little, whilst the planter must certainly be a gainer in the end, by the opportunity it would give him of bringing his sugars to a better market.

The Opposers contended, that laying this duty would be adding more weight when the burden was already too heavy; that the tax imposed last session upon molasses, (though it was thought that it would not affect this trade,) had given a great shock to it, several considerable planters in the West Indies have actually bought lands to settle amongst the Dutch: That even supposing the present duties upon sugars not detrimental, there was a certain proportion in things of this nature which was not to be exceeded; and they endeavoured to shew that the duty proposed, with that laid last year upon molasses, amounted to 28 per cent over and above former ones, and though the intermediate retailers would gain by raising the price here, the planters themselves would be considerable losers. Sir John Barnard proposed in lieu of this half crown per 100, to have the overplus of what the last

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*The King's Message to both Houses concerning an Invasion by the Pretender.**] Feb. 15. The following Message from his majesty was delivered to the House of Lords:

"GEORGE *R.*

"His majesty, having received undoubted intelligence, that the eldest son of the Pretender to his crown is arrived in France; and that preparations are making

Gin Bill had produced, together with an additional duty upon distilled spirituous liquors, which should amount to half as much as the former, made the fund for raising the money necessary for this year's service; but Mr. Pelham's motion was carried by a majority of 23; nor was the smallness of it matter of surprize to those who considered how many were either by themselves or their friends, deeply concerned in one part or other of the Sugar trade, and that the cause itself was always popular in the House of Commons. Besides, the late Chancellor of the Exchequer's friends did not express great forwardness to support Mr. Pelham on this occasion; but he behaved under it with great ability and candour, and assured us, that the project did not owe its birth to him, but was in agitation some time before he had the honour of presiding in the Treasury. Col. Bladen, whose wife has a great estate in the Sugar islands, made an elaborate speech against the duty. Sir H. Lyddel and Mr. Jennings of Cambridgeshire voted against it. Pitt, alderman Heathcote, sir J. Cotton, alderman Calvert, were advocates for the Sugar; Winnington, Fox, sir W. Yonge supported Mr. Pelham's motion.

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

In the midst of these domestic broils we received a pretty strong alarm from the other side of the water. Our apprehensions had been chiefly raised for admiral Matthews in the Mediterranean, lest he should be overpowered by the junction of the French fleets, and the government was blamed by many for not sending him all the ships that were in readiness; when on Friday the 27th of January, captain Broderick, who was sent out on a cruise off Brest, fell in with that squadron consisting of 17 men of war and 4 frigates, half seas over between Brest and the Land's End; by the course they were then in, he thought them going northwards. As soon as this advice reached London, great surprize appeared in every body's countenance, and much hurry and uneasiness amongst the ministers; frequent cabinets were held; the officers ordered to their posts every where; sir John Norris and two more flag officers sent down to Portsmouth, to hasten the equipment of the ships, lying at Spithead, Plymouth, and the Nore; which when joined (it was said), would be greatly superior to the Brest fleet. But what rendered this hostile appearance on our coasts more alarming than otherwise it would have been, was the advice which the government had received, that 15,000 muskets were put on board, and that the Pretender's eldest son was actually arrived in France. He left Rome in the Christmas holidays, under the pretence of spending some days in hunting with the duke of Caserta, but quitted his company when they were got a few miles out of town, and shifted his dress for the habit and badge of a Spanish courier. By means of this disguise and of a passport which cardinal Acquaviva had obtained for him under a sham name, of the duke of Tuscany's minister, he traversed that prince's territories and embarked at Genoa for Antibes, where he arrived about the middle of January, and by comparing the date of his landing there with that of the Brest squadron's sailing, it was very evident he might have time enough to perform the journey from one port to the other before that squadron got to sea. Cardinal Tencin has now confessed his being in France, but says he departed in that sudden manner from Rome out of a military eagerness of serving as a volunteer under Don Philip. The last authentic accounts of the French were, that on Sunday se'nnight last, they were plying about the chops of the Channel, and gave chase to two men of war and the Jamaica store ships under their convoy; one of the former escaped, the rest are not yet heard of. As the wind has continued easterly ever since, they can have made no way up the Channel, so that whether they have stretched northwards, or are gone to the Mediterranean, whether they are still cruising on our coast in order to cover the return of the Spanish galleons or frighten us with an invasion, or lastly whether they are bent on a voyage to the West Indies against our sugar colonies (all which de-

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there, to invade this kingdom, in concert with disaffected persons here; and that such invasion is to be supported by the squadron of French men of war which has been cruizing several days in the British Channel: his majesty has judged it proper to acquaint the House of Lords with an intelligence of such high importance to

signs are conjectured by the politicians,) I leave to the decision of time and further intelligence.

The motions of the French fleet in the Channel became every day more and more the subject of conversation, after they had been seen from different parts of the Western Coast, certain intelligence was said to be arrived, that they were all put into Dunkirk Road, where transports were collecting for the embarkation of 12 or 15,000 men. This spread a terror here: some very sensible persons seemed apprehensive of their making a brisk push up the river, as the Dutch did in 1667, and marching directly for London. Positive instructions were sent to sir John Norris, who lay at Spithead with a fine squadron of 22 ships of the line, besides frigates and fire ships, to sail with the first fair wind to the Downs; but the admiral himself did not think the French would take so hazardous a step as to work up the Channel, and leave him in their rear, which made him delay complying with them until he received more certain accounts. At the same time several regiments were ordered to begin their march towards London out of the country; a double guard was mounted at St. James's and Whitehall; the battalion in the Tower kept to strict duty; the 6,000 Dutch demanded of the States; and all other precautions taken which are usual when the nation is threatened with dangers both of a foreign and domestic nature. Boats were likewise sent out to cut the buoys in the river as soon as the enemy should appear, and the fort at Sheerness reinforced.

The earl of Stair's conduct at this juncture deserves to be particularly mentioned: notwithstanding the disagreeable treatment he had met with during the time of his being at the head of the army abroad, and the little notice that had been taken of him in the drawing room since his return, he wrote a letter to the duke of Newcastle, in which he represented, that having cast his eye over the list of general officers appointed to command in case the French should attempt an invasion, he was concerned to find his name had been forgot, though he might say without vanity, he understood as well what ought to be done at such a crisis as any of them; but as he still preserved the same zeal and dutiful affection to his majesty, his royal family and the Protestant succession which he had ever done, he begged leave through his grace's hands to offer his services if they should be judged acceptable, with this further intimation, that he did not desire to be concerned in any political matters, but such as were immediately connected with the charge of commanding the forces at home. The Duke carried this letter to the king, who shewed himself greatly moved by this so unexpected and rare an instance of generous loyalty in an old faithful servant, and in consequence of it, his lordship was on the 21st of February declared General of the Forces in England, to the great satisfaction of the well affected. Fresh reports were current every day, which it would be tedious to set down, but it came out at last, that the Brest squadron was still hovering in the Channel, 17 sail of them were discovered off Torbay, 2 of whom chased one of our men of war into Plymouth. The ships seen at the back of the Goodwin steering towards Dunkirk, were said to be large merchant vessels designed for transports, and that there was no other naval strength to escort them in that harbour except 2 small frigates of 20 guns; these varieties in our intelligence made the danger itself to be slighted by some, and the government at the same time to be condemned for not knowing more exactly the disposition and object of our enemies' preparations*.—I was told, however, that the Jacobites and other malecontents began soon after the appearance of the French in our seas, to lift up their heads, and boast that something

* Talking upon this subject with H. Walpole, he told me confidentially, that admiral Matthews intercepted, last summer, a felucca in her passage from Toulon to Genoa, on board of which were found several papers of great consequence relating to a French invasion in concert with the Jacobites; one of them particularly, was in the stile of an invitation from several of the nobility and gentry of England to the Pretender. These papers, he thought, had not been sufficiently looked into, and were not laid before the cabinet council until the night before the Message was sent to both Houses.

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his crown, and to the peace and security of these kingdoms. And his majesty doubts not, from the experienced zeal, duty, and affection, of the House of Lords, that they will strengthen his hands, and concur in all such measures as shall be necessary for disappointing and defeating so dangerous an attempt, and for the security of his person and government, and the religion, laws, and liberties, of these kingdoms."

A similar message was sent down to the Commons.

Upon reading the said Address, it was ordered by the Lords, "That an humble Address be presented to his majesty, to return him the Thanks of this House, for having been graciously pleased to communicate to this House, that he has received undoubted intelligence of the Pretender's eldest son being arrived in France, and of the preparations which are making there to invade this kingdom, in concert with disaffected persons here; and to assure his majesty, that this House looks with the utmost indignation upon so insolent and desperate an attempt; and will, with the warmest zeal and unanimity, take the most effectual measures to enable his majesty to disappoint and defeat the designs of his enemies, both at home and abroad; and that this House will stand by his majesty, with their lives and fortunes, in support of his majesty's royal person, family, and government, upon which, under God, do entirely depend the religion, laws, and liberties, of these kingdoms."

*Debate in the Commons on the Address of Thanks.**] In the Commons, a motion was made, and the question being proposed, "That an humble Address be presented to his majesty, to return him the Thanks of this House for having been graciously pleased to communicate to this House, that he has received undoubted

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would shortly be undertaken in their favour; but the sinking of the stocks was imperceptible, nor was there the least appearance of any run upon the Bank: which plainly shewed that the generality of people were under no great apprehensions. In too many one might observe a perfect deadness and incredulity, till the public notification which both Houses received from his majesty, of the French design to invade us, in concert with the disaffected, raised a spirit there amongst the friends of the government, which if well supported, may produce good effects.

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

"The Address in answer to the King's Message was moved in the upper House by the duke of Marlborough, in the lower by the marquis of Hartington: there was very little debate and no division amongst the former; Chesterfield attempted to raise one, upon a clause to the same effect with that offered by Waller, but lord Lonsdale spoke with such weight against it, as carrying the appearance of distrust and coolness, at a time when nothing but zeal and affection ought to shew themselves, that he was forced to let the matter drop.

The Opposers amongst us were not so wise or moderate. Waller and Doddington were the first that opened from that side of the House. They declared they had no exception to the Address itself, too much duty could not be expressed on this occasion, but it was the privilege of parliament to examine into what had brought so dangerous an attempt upon us, as well as to strengthen the king's hands, in providing against it. There had been a visible neglect and slowness in our naval armaments, and a want of intelligence as to the designs and motions of the enemy; since, notwithstanding the equipment of the French squadron at Brest was the subject of public discourse for some months before it sailed, they were cruising in the Channel several days before it was known here, and near three weeks before our fleet was in a condition to oppose them: for which reason they moved an Amendment to the Address, the purport of which was, "to assure his majesty that we would enter upon an immediate enquiry, into the Conduct of the Marine, and the times of the fitting out and sailing of the Brest squadron."

They were supported during the course of the debate by admiral Vernon, sir Fr. Dashwood, lord Strange, Pitt, Lyttleton, and lord Hillsborough. The first of these attacked the Admiralty with his usual prolix virulence, complained that what he had often foretold of the French superiority at sea, had not been regarded, till they were seen riding triumphant in our Channel, and scattering terror on our coast. That those at the head of our naval affairs were so ignorant as to think of sending sir John Norris with the biggest

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intelligence of the Pretender's eldest son being arrived in France, and of the preparations which are making there to invade this kingdom, in concert with disaffected persons here; and to assure his majesty, that this House looks with the utmost indignation upon so insolent and desperate an attempt: and will, with the warmest

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ships in the English navy to lie in the dangerous road of Dunkirk, on a pretence of having received certain information that the whole Brest squadron was put into that port; when himself ventured to pawn his credit as a seaman to the House, that they could never take a step by which our fleet would be left in their rear, and the event had verified his prediction.

Sir Francis dwelt very much upon the causes and political mismanagements, which occasioned the Revolution in 1688 —a weak, avaricious, narrow minded prince on the throne, a great part of the nation proscribed and forced into disaffection, daily encroachments made upon the constitution—No wonder there was an unwillingness in the people to support the government, which the earl of Bedford intimated in his famous answer to king James, when that prince desired his assistance to repel the usurper's invasion, and yet the person (continued sir Francis) whom his majesty called so, saved this country: to the same purpose he told a story out of Livy, that the Romans refused to march against foreign invaders till they had abolished the tyranny of the decemvirate. The general turn of this laboured oration gave deserved offence, and was briskly taken up by sir W. Yonge, who observed, that the hon. gentleman had stated his premises so strongly, that it was impossible for the House not to draw the conclusion. It had the most of a Jacobite tendency of any speech that was ever pronounced in parliament.

Mr. *Pitt* set out by complaining, as he generally does, that the question had been misrepresented by those who opposed it; —they had argued as if the whole Address was objected to, as if it was intended to damp the zeal and loyalty of gentlemen at this dangerous crisis;—whereas that was so far from being the case, that he should concur most heartily in the Address, though the Amendment was thrown out, and should take this and every other occasion, of expressing the most disinterested duty to the present royal family; but he thought as we were involved in these difficulties by the neglect of our natural strength, it was incumbent on parliament to intimate their opinion to the crown, and seek out the remedy as soon as possible.—He quoted a passage from Bishop Burnet's History, p. 95, relating to the complaints made at that time against the Admiralty's conduct, the want of intelligence at the Secretaries Office, and Russel's dislike of the unskilful orders sent him by the earl of Nottingham, which afforded the House some entertainment, He hung upon the words in the Message, "that the invasion was projected in concert with the disaffected here,"—said if there were grounds for asserting it, what could be more impolitic than to animate the French with such an encouragement to prosecute their design?—If there were none, (which he rather insinuated) how monstrous a thing was it in any minister to poison the fountain of truth, and fill the nation with mutual jealousies and distrusts.

The Amendment was opposed by lord Cornbury, Sir W. Yonge, Mr. Winnington, Mr. Chancellor of the Exchequer, Mr. Coke, Fox, Bowes, and Southwell, The two last very seldom vote with the court. They contended, that the very debating upon this Address one moment would have a bad effect abroad both amongst our allies and our enemies, as it would be thought a symptom of coolness and disunion amongst us, though the danger was at our doors:—that Amendments had never been offered to Addresses of this nature, except to make the assurances stronger: this had not the least relation to the subject of the Message, and if the enquiry aimed at by it, was ever so necessary, (which they did not allow) it could at this juncture only tend to discover our weakness to the French,—to retard our providing for his majesty's and the nation's security, and split us into factions at home, when the common danger from abroad required our whole attention.

Mr. *Coke* observed very prettily in answer to Pitt, that if the concert with the disaffected was imaginary, he agreed those who advised the king to put those words in his Message deserved a severe animadversion,—if real, sure it was highly proper that parliament should be acquainted with every part of the danger: nor could it animate the enemy, to be told from the king's mouth, what from their own correspondences they knew too well before.

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zeal and unanimity, take the most effectual measures to enable his majesty to disappoint and defeat the designs of his enemies, both at home and abroad; and that this House will stand by his majesty, with their lives and fortunes, in support of his majesty's royal person, family, and government; upon which entirely depend the religion, laws, and liberties, of these kingdoms;"

An Amendment was proposed to be made to the question, by adding at the end thereof these words; "and to assure his majesty, that this House will enter into a serious consideration of the disposition and state of the naval force of this kingdom; as also the times of the fitting out and sailing of the French fleet." And a debate arose in the House thereupon.

Mr. *Winnington* reproached the opposition with inconsistency, in having at the beginning of the session exclaimed against the administration for not sending all the navy of England to admiral Matthews, and being now angry with them for keeping so few in our own ports;—and in having proposed to reinforce the army in Flanders with regiments from England, when they wanted to get rid of the Hanoverians, and objecting now that so large a part of our land force was sent out of the kingdom.

Mr. *Pelham's* speech was of a healing nature, tending to exclude all considerations of ministers out of a question which was designed only as a return of duty to the throne, and to explain the description of the disaffected as meant only of a few desperate particulars, not of whole bodies of men.

Lord *Baltimore* defended the Admiralty with success, and put Vernon in mind of the uncertainty of intelligence relating to fleets, from what had happened to himself in the West-Indies, when 16 sail of merchantmen lying in the harbour of Port Louis, were mistaken by two of his best officers sent to reconnoitre at two different times, for as many French men of war.

The question being put upon the Amendment: Ayes 287; Noes 123; Majority 164.

Then our own Address being dropped, it was moved to concur with the Lords in theirs, which had been sent down to us during the debate, and carried *nem. con.* We had all the city members except Heathcote, and besides some of the moderate Tories, two who never voted with us before, Cornwall and Lechmere.

A Message from the Lords, by Mr. Baron Reynolds and Mr. Justice Dennison: "Mr. Speaker, the Lords have agreed upon an Address to be presented to his majesty: to which the Lords desire the concurrence of this House." And then the messengers withdrew.

The Address sent from the Lords was read. Then the House proceeded further in the debate upon the Amendment proposed to be made to the question for the Address of this House to his majesty: and the question being put, that the words proposed to be added at the end of the said question, be there added; the House divided. Yeas 123; Noes 287. So it passed in the negative.

Joint Address of both Houses.] Then the Address from the Lords was agreed to as follows:

"Most Gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons, in parliament assembled, return your majesty our humble Thanks for having been graciously pleased to acquaint us, that you have received undoubted intelligence of the Pretender's eldest son being arrived in France, and of the preparations which are making there to invade this kingdom, in concert with disaffected persons here.

"As this mark of your majesty's just confidence in us demands our most grateful acknowledgments, so we cannot look upon such a design without the utmost indignation and abhorrence.

"Loyalty, duty, and affection to your majesty; concern for ourselves and our posterity; every interest and every motive that can warm or engage the hearts of Britons and Protestants, call upon us, on this important occasion, to exert our utmost endeavours, that, by the blessing of God, your enemies may be put to confusion; and we do, with the greatest sincerity and firmness, give your majesty the strongest assurances, that we will, with the warmest zeal and unanimity, take the most effectual measures to enable your majesty to frustrate and defeat so desperate and insolent an attempt, and to secure and preserve your royal person and government, and the religion, laws, and liberties of these kingdoms.

"And we beg leave to declare to your majesty, and to the whole world, that it is the fixed resolution and purpose of our hearts, at the hazard of our lives and for-

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tunes, to support and defend your majesty, and your undoubted right and title to the crown of these realms, and the Protestant succession in your royal House, in opposition to, and defiance of, the Pretender and his adherents, and all other your majesty's enemies."

The King's Answer.] To which Address his majesty gave this Answer:

"My Lords and Gentlemen;

"I thank you heartily for this zealous and affectionate Address. I make no doubt, but the vigour and unanimity which you have expressed on this occasion, will, by the blessing of God, enable me to defeat the evil designs of our enemies; and you may be assured, that no care or precaution has been, or shall be, wanting on my part, for the defence and welfare of my kingdoms."

*Debate in the Commons on a Motion for Intelligence respecting the sailing of the French Fleet.**] February 20. A Motion was made, and the question being put, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, an account of all the Intelligences that have been received by his majesty, or any of his ministers, relating to the fitting out of any fleet, or ships of war, in the several ports of France since the 10th of April last;" the House divided. Yeas 141; Noes 234. So it passed in the negative.

*Debate in the Commons on the Tax on Sugar, and on Foreign Linens.**] Feb. 20. The Committee of Ways and Means shew whether the nation was alarmed without ground or not, those who gave the advice to send the Message he was sure would, at a proper time, be ready to justify it.—Ayes 141; Noes 234.

* The following is from the MS. PARLIAMENTARY JOURNAL of the hon. PHILIP YORKE.

February 20. Lord Barrington, after premising amongst other things, that no nation in the world was so ill supplied with intelligence as ourselves, that the ministry never seemed to know the real designs of the enemy, but were forced to give them imaginary ones, to disguise their own ignorance, moved to address his majesty for all the advices which had been received concerning the fitting out and sailing of any of the French fleets, since the 10th of April last. He was supported in this motion by Doddington and Waller, the last quoted a parallel instance in the year 1693, when the House of Commons entered into an enquiry about the time in which the government received intelligence of the sailing of the Brest squadron, after the loss sustained by our merchants off Lagos Bay. The proposition was so absurd a one *primâ facie*, especially at this juncture, that it could not bear a long debate. Mr. Pelham asserted very earnestly and seriously the truth of the intelligence relating to an invasion, that the danger was by no means blown over; could not think it advisable to come into a question of this sort, which would tend to discover the canals of our secret correspondence as well as those who sent it: the event would

* The following is from the MS. PARLIAMENTARY JOURNAL of the hon. PHILIP YORKE.

Feb. 20. The House received the chairman's Report from the Committee of Ways and Means. Lord Limerick moved, that the Resolutions then taken with regard to Sugar should be recommitted, and proposed in lieu of the 2*s*. 6*d*. a hundred upon Sugar, a duty of 1*d*. per yard upon foreign Linens. Mr. Pelham made a very material objection to this scheme, which I did not hear answered, viz. that as the balance of trade with those countries from whence the linens came was greatly in our favour, by laying a new duty on that commodity, we should put them upon raising the duties on ours, and consequently be losers in the end. He added, likewise, that we were on the point of concluding a very advantageous treaty of commerce with the queen of Hungary, who in return for the privileges she granted to the British nation, insisted that we should not fix any higher rates upon the linens imported from her hereditary countries.

Notwithstanding so material a consideration, lord Limerick's project was extremely relished by the Scotch members, who thought a duty upon foreign linens would promote that manufacture amongst them, so by their means, and that of the absentees, it was carried on the division to recommit. Ayes 176; Noes 168.

February 22. Mr. Pelham having been

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came to the following Resolution, which was also agreed to by the House: "That it is the opinion of this Committee, that, towards raising the Supply granted to his majesty, the surplus, or remainder, of the monies arisen, or to arise, by the additional rates or duties on Spirituous Liquors, granted to his majesty by one act of the

defeated in his first project of raising the sums wanted for the public service by a Tax on Sugar, had recourse to one part of sir John Barnard's scheme, viz. the applying the surplus of the last duties on Spirituous Liquors to that use, and accordingly moved it in the Committee of Ways and Means, in a manner which did him great credit. "He proposed this as the most unexceptionable method in a conjuncture which required dispatch above any other within his knowledge, and new duties by the variety of objections started to them, always created some delay: the produce of this surplus was 70,000*l.* last year; he hoped it would answer the positive assurances of some gentlemen by turning out more the next; if it did not, the Sinking Fund must be the security for the remainder of the interest, which amounted to 14,000*l.* He wished to do any thing, consistently with his duty to the royal family, which might unite the minds of the nation, and reconcile them to government itself. He enforced with a seasonable warmth the danger of delaying one hour to settle a fund for the money that was to be raised, when we were threatened with a foreign invasion, in support of the Pretender's title."

As soon as he had sat down, lord Limerick, who appeared to have thoroughly considered his subject, moved, "That towards his majesty's supply a duty of 1*d.* per yard should be laid on foreign linens of ¼ yard width; with a proportionable drawback on re-exportation." He endeavoured to prove that this would not only be an ample fund for the current service, as it would produce above 100,000*l.* but a very beneficial regulation of trade, as it would tend to the encouragement of our own manufactures, and save the nation annually a very considerable sum of money, which went abroad for the purchase of foreign linens. He said our merchandizes chiefly found a vent amongst the rich burghers of the free towns in Germany, and not the poor slaves of arbitrary princes, Prussia and Saxony, where they were prohibited, and yet we were supplied with linens out of the last mentioned countries, particularly Silesia, though they took little in exchange of English growth: That whilst we could undersell other nations, those who wanted our commodities would buy of us, and not concern themselves in any domestic regulations of our imports: that the queen of Hungary since the loss of Silesia furnished us but with a small portion of that commodity, so that he could not think the laying this duty any obstruction to the treaty of commerce which we were on the point of concluding at Vienna: at the same time, he should not be against making her easy in that point, for he really thought the linens from Holland and Flanders overcharged; for they paid 8*d.* an ell, whilst the German paid but 3½*d.* He concluded by saying, that nothing would contribute so much to prevent Ireland from intermeddling in the woollen trade (of which England was desirous to be the monopolist) as the extending and encouraging the linen manufacture in that country.

A Debate then ensued, Whether Mr. Pelham's scheme or lord Limerick's should take place: the former was supported by sir John Barnard, who pawned his honour that the surplus would not be a deficient fund, and seemed to think (though he professed he was not prepared to speak to the whole extent of that point) that the Scotch and Irish linen had met with sufficient encouragement. Other gentlemen versed in commercial matters contradicted most of lord Limerick's assertions, as col. Bladen and Mr. Burrel, Mr. Bance, Oswald, Pitt, and Hume Campbell spoke in favour of the Linen Duty. The last declared his abhorrence of raising party distinctions on an affair of national consequence, by setting the woollen interest against the linen,—animadverted upon something Mr. Pelham had let drop, as if his first proposal was thrown out by a competition of that sort; however he owned himself willing for the sake of unanimity, to come into Mr. Pelham's motion, if any gentleman of authority and weight in the House would agree to their going into an examination afterwards upon the affair of the linen.

Mr. Pelham being thus called up, spoke a second time with great dignity and temper; said the hon. gentleman had mistaken his meaning; he did not pretend to account for the rejecting of his former proposition; if he had, he should not have rested

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last session of parliament, and which, by one other act of the said session, were reserved for the disposition of parliament, after the several annuities charged thereon are satisfied, be granted to his majesty."

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it solely where that gentleman seemed to place it, viz. upon provincial or party distinctions: for the rest, he had no objection to the enquiry proposed; he would engage to be a diligent attender of the committee, and diliver his judgment upon the matter before them with as much impartiality and consideration as any one; at present he was by no means convinced it was right to lay that duty, but should be very glad to have cause to alter his opinion; because if he should happen to sit in that place another year, there was an unexceptionable fund provided, and if he should not (which might be perhaps the case) in every situation it would be a pleasure to him that the king's service met with facilities; for he could never prevail with himself, out of dislike to particular men, to distress the necessary measures of government.

After this ingenuous declaration, it was carried without a division to apply the surplus.

A secret management set on foot by his Royal Highness and lord Carteret operated more than the Sugar or Linen interests in the throwing out Mr. Pelham's first proposal. The Prince's confidence was at this time possessed by the former, who in return for the opposition which his overbearing engrossing conduct and extravagant schemes had met with from Mr. Pelham and his friends, set himself to expose the others' interest in the House of Commons by disappointing him in that which is his peculiar department, the making a provision for the Supply. The difficulties which attended the laying a further duty upon Sugar from the number and influence of those concerned directly or indirectly in that extensive branch of trade, and the national turn of the Scotch in favour of every thing which relates to their country, furnished lord Carteret with an opportunity which he knew too well how to improve. All who wished well to the whole were sensibly affected by observing the ill effects of this dishonourable as well as impolitic management in those two great persons, at a time when the united endeavours of the friends to the royal family were no more than sufficient to withstand the dangers which threatned them.

Debate in the Lords on the Papers concerning an intended Invasion by the Pretender.*] February 24. The duke of Newcastle (by his majesty's command) laid before the House,

His grace's Letter to Mr. Thompson, his majesty's minister at the court of France, dated February 3rd, 1743-4; Extracts of Mr. Thompson's Letters in answer thereunto; and the Information, upon Oath, of captain Alexander Ridley, master of one of his majesty's packet boats at Dover, February 24th, 1743-4. Which Letter, Extracts, and Information, were read as follow:

"*Whitehall, Feb. 3rd*, 1743-4.

"Sir; His majesty having received advice, that the Pretender's eldest son set out from Rome on the 27th or 28th of December, O. S. for France, and that he actually arrived at Antibes on the 17th past; it is his majesty's pleasure, that you should immediately go to M. Amelot, and let him know, that his majesty, considering the engagements his most christian majesty is under, by treaties, with regard to the Pretender and his descendants, had commanded you to acquaint him with the informations the king had received; and that his majesty did not doubt, but that, if those accounts are founded, his most christian majesty would, pursuant to the treaties, give effectual orders that the said person may be obliged forthwith to quit the French king's dominions, if he should be still there: and that he may not be countenanced or protected by any of his most christian majesty's officers or subjects.

"You will transmit to me the Answer that M. Amelot shall give you from his most christian majesty, that I may acquaint the king with it.—I am, &c.

"Holles Newcastle."

"Extract of a Letter from Mr. Thompson to the Duke of Newcastle, Paris, February 7th, (18th,) 1743-4.

"I received, this morning, the honour of your grace's dispatch of the 3d instant, O. S. by Hammond the messenger, just as I was going to M. Amelot's, so that no time was lost in executing the commands your grace was pleased to send me from his majesty. I had very little talk with M. Amelot upon this subject; I told him, 'That the news, which had been public 'here for this week past, had likewise

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* From the Gentleman's Magazine.

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'reached London; where I heard that 'people were greatly scandalized at it: 'that I had now orders from the king to 'tell him (M. Amelot) what his majesty 'had heard of this matter; and to repre- 'sent to him, that, considering the engage- 'ments his most christian majesty was 'under to the king, with respect to the 'Pretender and his descendants, by virtue 'of the most solemn treaties, his majesty 'did not doubt, but, upon the representa- 'tion I was now ordered to make, this 'person would not only be obliged to re- 'tire out of France, if he was actually in 'it; but that his most christian majesty 'would also fulfil in all respects the en- 'gagements he was under to the king, on 'account of the Pretender, his descen- 'dants and adherents.' In a word, I told him, 'That, not to go beyond or fall short 'of what I was directed to say to him, nor 'to make a mistake of any kind, I would, 'if he pleased, read to him your grace's 'Letter to me;' which he desired I would. When I had done, M. Amelot told me, 'Now that I spoke to him by order, he 'must likewise receive the French king's 'commands.' He promised, he would speak to the king the very first opportunity, and would acquaint me immediately with his most christian majesty's pleasure."

"Extract of a LETTER from Mr. Thompson, to the Duke of Newcastle, Paris, February 14th-25th, 1743-4.

"In my Letter of this day sevennight, I had the honour to acquaint your grace with what M. Amelot had said to me, upon my communicating to him the orders I had received to speak to him about the arrival of the Pretender's son in France; viz. 'That he would give no answer till 'he had seen the king.' I heard nothing more of him from that time till this morning that I went to Versailles, where M. Amelot, by order of his most christian majesty, was pleased to make me a kind of declaration to the following effect: 'That 'engagements entered into by treaties are 'not binding any farther than those trea- 'ties are religiously observed by the con- 'tracting parties on all sides; that, when 'the king of England shall have caused 'satisfaction to be given, upon the repeated 'complaints that have been made to him 'of the infractions of those very treaties 'of which he now demands the perform- 'ance, which violations were committed 'by his orders, his most christian majesty 'will then explain himself upon the de- 'mand now made by Mr. Thompson in 'the name of his Britannic majesty.' The words, as I wrote them down in M. Amelot's presence, and from his own mouth, are: 'Les engagemens portés par 'les traités n'obligent, qu'autant qu'ils 'sont religieusement observés de part et 'd'autre. Quand le roy d'Angleterre aura 'fait raison des plaintes, qui luy ont été 'portées à plusieurs reprises, au sujet des 'contraventions commises par ses ordres, 'contre les mêmes traités qu'il reclame, sa 'majesté trés chrêtienne donnera pour 'lors des eclaircissemens sur la demande 'faite par Monsieur Thompson de la part 'du roy de la Grande Bretagne.'

"M. Amelot made some little difficulty at first to let me take this down in writing; because the demand, he said, had been made only verbally. To which I replied, 'It was true; neither did I ask him to give me any thing in writing; but, as this seemed to be of great consequence, I desired leave to write it down, to help my memory.'"

"The INFORMATION, upon Oath, of Captain Alexander Ridley, Master of one of his Majesty's Packet Boats at Dover, February 24th, 1743-4.

"Who saith, That he sailed from Dover on Tuesday the 14th instant, and arrived the same day at Calais. Upon his arrival there, he was ordered to hawl his vessel into a place called Paradise, where seized and condemned vessels usually lie: that several English merchant ships were the same day ordered into the same place: that, on Friday the 17th, the English mail from Paris arrived at Calais; upon which, this informant applied to the post-master of Calais, to know whether he might proceed with it to England: who told him, 'He would ask the governor;' and soon after acquainted him, he must not go to England. That, on the same day, Hammond the messenger arrived from Paris, with dispatches from Mr. Thompson, and went to the governor, to know whether he might proceed to England; which he was not permitted to do. That, on Saturday the 18th, the said messenger delivered, in a private manner, to this informant, Mr. Thompson's dispatches; which he immediately concealed in a very private place on board his vessel. That, on Monday or Tuesday last, another English mail arrived at Calais; upon which, the post-master came to this informant, and asked him,

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'Whether he would sail with the mails for 'England?' 'Which,' he said, 'he was 'ready to do;' but the mails were not delivered to him till the next day, *(videlicet)* Wednesday. That, the same day, between two and three o'clock in the afternoon, a file of musqueteers, with some officers, came on board, and searched his vessel very strictly, and particularly asked him, whether he had not the English messenger's dispatches for the duke of Newcastle on board? which he denied: that this informant asked the commandant, Whether the messenger might not proceed to England? which the commandant said he might do; upon which this informant sent his mate to acquaint the messenger with it, and to desire him to come on board; but as the messenger was preparing to come on board, he was stopped on the key by the commandant and others, who asked him for his dispatches; but he told them he had no dispatches, only a few private letters, which he shewed them; that upon this the mate returned on board, and having acquainted this informant, that the messenger was detained, he immediately put to sea, and arrived the same night, past twelve o'clock, at Dover, from whence he immediately sent his vessel, with his mate, to sir John Norris in the Downs, to acquaint him with what he had observed and heard at Calais.

"This informant further saith, That he heard, whilst he was at Calais, that there were between 20 and 30 transports in Dunkirk Road; that seven or eight small men of war were also there, and 16 more men of war expected; that there were several Dunkirk pilots still at Calais, and several captains of French merchantmen taken up to serve as pilots on board the fleet; that it was the common talk at Calais, that 15,000 men were to be embarked on board the transports, in order to make a descent upon some part of his majesty's dominions, and that part of the said troops were already embarked, and the rest embarking; that four battalions of French foot marched on Monday last from Calais to Dunkirk, in order, as was said, publicly at Calais, to be embarked at Dunkirk; that amongst the troops embarking, and to be embarked, there were some dragoons, who carried their bridles and saddles with them, but not their horses; that some said the landing was to be in Kent, others in Scotland; that count Saxe arrived at Calais on Tuesday the 14th instant (on which day the embargo was laid at Calais, Boulogne, and Dunkirk) and went to Dunkirk (as this informant was told) the Saturday following, in order to take upon him the command of the troops designed for the invasion; that there were several Irish officers and others in company with count Saxe; amongst which there was a person, whom this informant saw upon the key, and who was said by the French there to be the Pretender's eldest son, and whom they called publicly the Chevalier, and seemed to pay him a great deal of respect; that the said person is a tall slim young man, of about 24 years of age; that the examinant could not see his face distinctly; and that there was another young man in company with him, who was said to be his brother.

"This informant further saith, That he was told the transports at Dunkirk were not victualled for more than four or five days; that there was a ship loading at Calais with provisions for the fleet; that they had heard of the embargo laid upon provision in Ireland, at which they expressed great concern and resentment.

"That it was the common report at Calais, that there had been an action in the Mediterranean between admiral Matthews's squadron and the French and Spanish squadrons; that this informant heard a letter read (but does not remember the date of time or place) which was written to a French officer by his brother, who, as this informant heard, lives near Toulon, in which he says, that he saw several French ships without masts.

"This informant further saith, That on Friday or Saturday last an Englishman was brought from Dunkirk to Calais, where he is confined; the occasion of his imprisonment is said to be, his having hired a French vessel to bring dispatches to England; that this person is supposed to be Mr. Laye, his majesty's agent at Dunkirk.

Feb. 24. "ALEXANDER RIDLEY."

"Sworn before me,

"HOLLES NEWCASTLE."

The Papers having been read,

The Duke of *Newcastle** rose and said:

My lords; as these papers which have been now read to your lordships,

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Feb. 24. The Duke of Newcastle and Mr. Pelham laid before both Houses, by

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leave not the least doubt of the truth of the intelligence lately communicated to both Houses of Parliament, by a message from his majesty signed by his own hand —as it now appears that the French are making preparations to invade this kingdom, with an avowed and open intention of advancing to the throne the bigot who has so long boasted his pretensions to it; that the danger might not fall upon us unprovided, and that in this important juncture, the wisdom of this House might form such plans of defence, as may effectually secure us against the menaces of our enemies, his majesty has been pleased to order this further information to be laid before you. And to give yet another proof of the reality of the designs said to be formed against us, he has thought it proper to notify to you the demand which was made in his name at the French court, and the answer that was returned to it; such an answer, my lords, as could only be sent by an enemy; an enemy at once artful and malicious.

Your lordships have already expressed your indignation at an attempt so unexpected, daring, and insolent, in violation of treaties, by a power unprovoked, and have given by your Address of last week, in terms of the most ardent zeal and firmest resolution, assurances that this unjust and detestable attempt shall be opposed with that vigour which liberty and virtue may be expected to excite; that you will support his majesty in possession of this kingdom, against the Pretender and his adherents: that you will defend his title and maintain his right, and endeavour to perpetuate the succession in his royal House, against all enemies whether foreign or domestic, whether traitors or invaders, and that you will resist, with your utmost force, all those whose ambition or wickedness shall incite them to attempt the exaltation of the Pretender to the throne; nor do I think it possible to find words more expressive of zeal and duty, than were chosen on that occasion, and with which his majesty is so much satisfied, that he has been pleased to declare his confidence in our vigour and unanimity. With regard, therefore, to these papers, I have, by bringing them hither, acquitted myself of my charge, and, that any of your lordships may examine them deliberately, they will lie on the table for your perusal.

Counsel then being directed to be called in a private cause appointed for this day,

The Earl of *Orford* rose:

My lords, I never, since I have had the honour to sit in this House, thought of giving your lordships any trouble. I never imagined that any occasion would happen to make it necessary for me to

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his majesty's order, copies of Letters and Intelligences relating to the Invasion, which have since been made public, together with the Resolutions which they came to in consequence of this communication. The Lords Address was entirely owing to the earl of Orford's speaking, who got up after the duke of Newcastle had sat down, without moving any thing, and said, "though he had determined within himself, upon no occasion whatever, to trouble their lordships, yet the present was of so extraordinary a nature, that he hoped to be indulged in a few words. He then wished his former apprehensions about France and the Pretender, by which he drew a good deal of ridicule upon himself, had not been so soon and so fully verified. He enlarged upon the insolent attempt of the former in sending a fleet to range along the coasts of England, to look into our harbours, and ride triumphant in the Channel: its perfidy in breaking through the most solemn treaties, by giving protection and assistance to the son of the Pretender to his majesty's crown, and endeavouring to impose him by an armed force upon the nation; and the evasive and contemptuous answer which the court of France had lately returned to the king's just demand. That, perhaps, to his intemporate zeal it might seem a want of it in their lordships. 1st. Not to make a suitable return of duty to the king, and of resentment for the indignity offered to the whole nation. 2ndly. After having heard such material intelligences, surely words would soon be found to express their sense on this occasion; and though it should appear to some a repetition of what they did the other day, he thought it by no means an unseasonable or superfluous one." Lord Orford spoke this with an emotion and spirit which shewed it came from his heart and was quite unpremeditated.

The weight of it was immediately felt, and the Chancellor, having collected the general sense of the House, formed a Resolution, which was unanimously agreed to, and ordered to be laid before the king by the lords with the white staves.

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offer my sentiments in this assembly, and it is not without a very uncommon degree of grief and anxiety that I find it now indispensably necessary to alter my behaviour; so necessary, that I cannot, in my opinion, continue silent without a crime.

That it could ever have been necessary for me to speak on an occasion like this; that it could ever have fallen to my lot to remind your lordships of the respect due to the person of our sovereign, I could not easily have believed; nor could I have imagined, that the common forms of decency could have been violated in this august assembly. It is with the greatest emotion and surprise that I see such a neglect of duty. My knowledge of the loyalty of your lordships, will not suffer me to term it by any harsher name than that of forgetfulness, but such forgetfulness I have never before known in my long acquaintance with parliamentary proceedings.

When his majesty has communicated to your lordships intelligence of the highest importance, is he to receive no answer from the House? is his intimation to be passed over without ceremony and without regard? Such behaviour must, doubtless, arise from inconsiderateness, for the least reflection will shew that it is not easy to treat our sovereign with less respect; a little recollection, my lords, will soon convince you, that when his majesty's care and penetration have been employed for the security of the public happiness; when, as he promised, he has endeavoured to obtain a more exact account of the pernicious designs of France; when he has made some further discoveries of them, and has shewn his regard for our counsels, by imparting them to us; can we be so undutiful, so indecent, as not to return an address of thanks? If we do not, how will it appear that we have received them? For this reason, if for no other, the noble duke ought, in my humble opinion, to have made some motion for that purpose. And certainly, my lords, our language is not so barren that we cannot find words to express our duty on every occasion, and testify our acknowledgments for every instance of regard shewn us by our sovereign.

As such treatment, my lords, has never been deserved by his majesty, so it has never before been practised. And sure, my lords, if his hereditary council should select, for such an instance of disrespect, a time of distraction and confusion; a time when the greatest power in Europe is setting up a Pretender to his throne, and when only the winds have hindered an attempt to invade his dominions; it may give our enemies occasion to imagine, and report, that we have lost all veneration for the person of our sovereign.

I have, indeed, particular reason to express my astonishment and my uneasiness on this occasion; I feel my breast fired with the warmest gratitude to a gracious and royal master, whom I have so long served; my heart overflows with zeal for his honour, and ardour for the lasting security of his illustrious House; but, my lords, the danger is common, and an invasion equally involves all our happiness, all our hopes, and all our fortunes.

It cannot be thought consistent with the wisdom of your lordships, to be employed in the determining private property, when so weighty an affair as the security of the whole kingdom demands your attention; when it is not known but at this instant the enemy has set foot upon our coasts, is ravaging our country with fire and sword, and threatening us with no less than extirpation or servitude.

If you neglect the public security; if you suffer the declared enemies of our name to proceed in their designs, without resistance, where will be your dignities, your honours, and your liberties? You will then boast no more the high prerogatives of your House, your freedom of speech, and share in the legislature. If the enemy, my lords, shall obtain success; that success which they apparently expect, and which yet they would not hope, without some prospect of being joined by the disaffected part of our own countrymen, the consequence must be, that the person whom they would place on the throne, would retain only the shadow of a sovereign; he would be no other than a viceroy to the French king; and your lordships who now sit in this House, with a dignity envied by every class of nobility in the world, would then be no better than the slaves of a slave to an ambitious, arbitrary tyrant.

Pardon me, my lords, if a zeal for his majesty, for your honour and dignities, and the safety of the nation, fires me with uncommon ardour. Permit me to rouse you from this lethargy, and let it not be said, that you suffer any disregard to be shewn to intimations thus important; intimations sent by his majesty, and which

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relate to nothing less than the preservation of the kingdom. I hope, therefore, before you proceed to call in the counsel for a private cause, you will shew so much regard to the great, the universal, the national interest, as to concert a proper form of address to his majesty, that he may not appear labouring for our safety, while we ourselves neglect it.

The Duke of *Newcastle:*

My lords; when I had laid the papers before you, I thought myself acquitted of his majesty's command; and must confess, that I did not then think any Address necessary; since we had so lately declared our zeal, our duty, and our resolutions, in language which I do not think myself capable of heightening or improving; and I cannot discover why we should so soon either repeat the same words, or express the same sentiments with less force.

This, my lords, is still my private opinion; but as the noble lord has been pleased to remind us of our duty to his majesty, I will take the liberty to say, that I have never shewn less zeal for his majesty's service than his lordship. I am now, and shall be at all times ready to hazard my fortune, and lay down my life, to continue his title, and the succession for ever in his illustrious House.

It cannot, therefore, be suspected of me, that I shall refuse to concur in an Address, when it may be thought proper, as an instance of respect: but, my lords, I have already confessed I cannot propose any words suitable to this purpose, after that Address we have so lately offered; and I must crave leave to express my wishes that the noble lord, who is so great a master of language, and whom I shall willingly allow to excel me in the art and practice of framing addresses, had been pleased to have instructed us how to avoid the error against which he has warned us with so much emotion, by forming an Address for us; instead of exerting so much ardour against that which he is willing to suppose, and I believe sincerely, to have proceeded only from forgetfulness. But if his assistance cannot be obtained, I hope some other lord will propose an Address which I shall be the first to second, that my loyalty may be no longer doubted.

Lord Chancellor *Hardwicke* then rose, and read the heads of an Address, "To return his majesty the Thanks of this House, for communicating to us the intelligence which he has lately received, relating to the invasion of this kingdom designed to be made by France in favour of the Popish Pretender; and to express the utmost indignation of this House, at the evasive and presumptuous answer which has been returned by the court of France to the representation made in his majesty's name, by his minister at Paris, upon this occasion; and to give his majesty the strongest assurances, that this House will, at the hazard of their lives and fortunes, stand by and support his majesty, against France and any other power whatsoever, that shall presume to assist or countenance the Pretender, or any of his descendants or adherents, or to invade or commit any hostilities against his majesty's kingdoms; this House not doubting that so desperate and daring an attempt against his majesty's crown, and the religion, laws, and liberties of this nation, will create the highest detestation in all his majesty's subjects, and raise a truly British spirit in defence of his majesty's sacred person, and in maintenance of those invaluable rights, against France, or any other power that shall presume to attack or disturb these kingdoms in the quiet possession of the many blessings we enjoy under his majesty's auspicious government." Which was unanimously agreed to.

*Debate in the Commons on the Papers concerning an intended Invasion by the Pretender.**] February 24. Mr. Pelham

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Amongst the Commons nobody said one word against Mr. Pelham's motion, except two, whose assent to any measure would be no credit to it, admiral Vernon and sir J. Philips; the first was for leaving out the words advising the king to augment his force by land, which part of our strength, he thought, needed no increase, having been cultivated to the neglect of our naval power. The second founded his dissent upon its being a vote of credit, and that given whilst the parliament was sitting, and could provide, upon the application of the crown, for all emergencies.

Mr. *Pitt* acknowledged this was a time to be alarmed, to be upon our guard, and to take all proper precautions against the attempts of France, but not to be terrified as if the danger was of the extremest sort: —Our fleet was out, and might intercept

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having presented to the Commons the Papers concerning an intended Invasion by the Pretender, moved, "That an humble Address be presented to his majesty, that he will be graciously pleased, in this dangerous and critical conjuncture of affairs, when this nation is threatened with an invasion by a French power, in favour of a Popish Pretender to his crown, to augment his forces by sea and land, in such manner as he shall think proper and necessary; and to assure his majesty, that this House will make good all such expences as his majesty shall be at, for the defence of his sacred person, and for the security of these kingdoms." Which was agreed to.

*Debate in the Commons on the Arrest of the Earl of Barrymore, a Member.**] February 28. The Chancellor of the Exchequer acquainted the House, that his

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the embarkation. Suppose the worst, that troops were landed (which God forbid,) we had no inconsiderable body of forces in the island, and might recal for our own defence what number we pleased, out of those abroad:—Surely no military man could in this situation be very uneasy about the event. He was still of opinion that France intended rather an attack upon our credit, and upon our fears, than an actual descent: he hoped good might be drawn out of evil by this event, as it would tend to unite the nation: for he could not think any so desperate and mad as to think of joining in the attempt. If ever confidence should be reposed in ministers, it was at this time, and as they were accountable to parliament for the use they made of it, he was for agreeing to the motion.

Lord Strange and Waller said something very much to the same purpose.

Mr. *Pelham* congratulated himself upon having the good fortune to be supported in his motion by the hon. gentleman (viz. Pitt); he agreed with him, that it would be criminal in any minister to advise the king to make any other use of the powers with which he would be intrusted by it, except for the necessary defence of the nation: he dwelt a little upon the perfidy of France, in asserting the cause of a vagabond prince, whom they had so often renounced: and he hoped even his adherents here would at last be reclaimed, if not by reason and the mildness of the government, yet by their experience of the constant ill fortune which attended their enterprizes. That the pretended violations of treaties complained of on the part of France were occasioned by his majesty's prosecution of that necessary quarrel, in which the voice of his people had engaged him, with the court of Madrid; such as the stopping French ships which had Spanish effects on board,—the blocking up the combined fleets in Toulon,—the burning the gallies in St. Troper, &c.; and as often as they had been complained of here, an explicit and ready answer had been given to the minister of France:—Very different was their conduct with regard to the king's representations in the present instance. He did not doubt, however, that a union and spirit in the nation at this crisis would throw a damp on the insolent attempt of the enemy, and if they were determined to prosecute it, that by God's blessing on the bravery of our fleets and armies, it would in the issue turn out to their confusion and disgrace.

The motion then passed with no other negative voice but sir J. Philips, though it is observable that none of the leaders amongst the Tories, either on this occasion or that of the king's first Message, shewed the least sign of zeal and affection to the government; on the contrary, they treated the whole affair from beginning to end with the utmost indifference and ridicule.

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

It is observable that the troops which were ordered up to London from different parts of the country, met with the kindest reception imaginable on their march, and the people told them, if they beat the French, they should be entertained when they came back at free cost,—such is the natural, genuine temper of the nation, unwarped by prejudice, and untainted by the venom of faction. The Jacobites, to soften the unpopular sound of a French invasion and a Popish Pretender, began to spread it about, that the general who commanded was a Lutheran, and the young man himself a firm convert to Protestantism, and that when his father reproached him with having changed his religion, his reply was, He would not lose three kingdoms for a mass.

One principal object of attention in the government at this time was the discovery of those, who, by their treasonable practices, had invited the invasion; col. Cecyl,

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majesty had commanded him to acquaint this House, that his majesty having cause to suspect that James earl of Barrymore, a member of this House, is guilty of treasonable practices, has caused him to be apprehended, upon a suspicion of high treason.

A motion was made, and the question being proposed, "That an humble Address be presented to his majesty, to return his majesty the thanks of this House for communicating to this House the reason which has induced his majesty to cause the earl of Barrymore, a member of this

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and the earl of Barrimore, were secured within a few days of each other; the first had been an intimate companion of the duke of Argyle and lord Orrery's, distinguished himself as a zealous champion for the Whigs in the latter end of the queen's reign, and was equerry to the late king till he died, but for several years last past it was well known that the greatest part of the Jacobite correspondence had passed through his hands. Some treasonable papers of consequence were found in his pockets,* which gave occasion to the apprehending lord Barrimore. This nobleman was possessed of a plentiful fortune in Ireland, and was the oldest lieutenant general in the service, but for very good reasons had been out of employment since the accession of this king's family. He was reckoned an artful man and a good soldier. They were both concerned in the affair of transmitting the Pretender's Letter to the late duke of Argyle, which it was now lamented, had not then undergone a stricter examination. I observed the Tories much struck with the news of his being secured.

Feb. 28th. Mr. Chancellor of the Exchequer, by his majesty's order, acquaint-

* Such of the Papers as were thought proper to be inserted in the Indictment which was afterwards found against him for misprision of treason, I had a cursory perusal of. They were letters to the colonel from one of his correspondents in France, relating to an insurrection here, and an invasion from abroad; the writer seems very confident of success. That the Hanover family was much despised and hated by the people—that he thought lord (who is called Mr. in the letter) Barrimore's scheme the most feasible of any, which was to land near London with a body of 16,000 men and march directly thither—Hopes friends in England would be ready to take up arms at the same time. The cardinal (Fleury) approved the project and gave strong hopes of supporting it,—has expectations from Sweden and Spain likewise, and refers more than once to the secret practices of Mons. Bussy here amongst the Jacobites. I expected to have found more particulars in them and of a later date when the plot grew riper.

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ed the Commons with lord Barrimore's apprehension, upon which Mr. Coke moved the Address usual in such cases; some of the Tories, as sir Watkin, sir J. Cotton, sir J. Philips, complained that the privileges of the House had not been tenderly used, because lord B. had been taken up and continued a whole day in custody without any communication of it in that place. They said in the year 1715 the king desired leave to commit the six members suspected of high treason before he apprehended them, that in 1722 the consent of the House was asked for the detaining Dr. Friend, whereas in the present instance we made that detainer our own act by addressing the crown to confine the noble lord, though no such request was implied in the message. Mr. Oswald said, in the year 1641, the House voted it a breach of privilege in the case of the five members, charged, not suspected merely of treason, to enter their houses, seize their persons, and break open their locks in search of papers, and impeached the Attorney General for being concerned in the prosecution.

To this it was answered by Mr. Pelham, sir W. Yonge, Mr. W. that if it was laid down that the king could not take up any member, whatever just grounds there might be found, without first asking leave of the House, it would be impossible to be sure of their persons, because their friends by raising a debate would give the suspected member an opportunity of escaping: that such of the 6 members abovementioned as happened to be in town were seized before the Message was sent, that undoubtedly the consent of the House was necessary to their being committed, and was accordingly moved for in the case now before them: that in their opinion, whether the House made the detainer their own act, or came into it at the desire of the crown, it was just the same with regard to their privileges.

Mr. *Pitt* in a few words supported the Address, and was against adding something to it, as offered by sir Watkin.

The *Speaker* said he thought it his duty to trouble them on this occasion:—to be

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House, to be apprehended; and to desire, that his majesty will detain and secure the said earl." The House was moved, that the communication made to the House, upon the 13th of March 1722, of the apprehending of Dr. John Friend, then a member of this House, and the Address of the House to the king thereupon; and also the communication made to the House upon the 21st of September 1715, of the order given for apprehending sir William Wyndham, sir John Packington, Mr. Edward Harvey sen. of Combe, Mr. Thomas Forster jun., Mr. John Anstis, and Mr. Corbet Kinaston, and the Address of the House to the king thereupon, might be read. And the Journal of the House, in relation to those proceedings, being read accordingly; the above Resolution was agreed to.

*Debate in the Commons on the Suspension of the Habeas Corpus Bill.**] Feb. 28. On the motion of the Attorney General, leave was given to bring in a Bill to empower his majesty to secure and detain such persons as his majesty shall suspect are conspiring against his person and government. The said Bill was accordingly presented by the Attorney General, was read a first and second time, and committed.

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sure, the privileges of the House did not extend to treason, but suspicion was not an actual charge, much less proof of the crime; they had a right to the service of their members, but ought to wave that right upon the necessity of the times, which every gentleman must be the judge of in his own breast,—and if they thought afterwards their member had been apprehended without sufficient grounds, it was in their power to enquire into the reasons of the commitment. Of which he gave an instance in the year 1689, when lord Nottingham's taking lord Danby, a member, into custody was voted a breach of privilege.

The Address went without a division.

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

The *Attorney General*, after enlarging very properly on the present dangerous and ticklish situation of affairs in this country, when not only a foreign invasion but domestic troubles were to be provided against, and the government to be strengthened with all the power that it could be legally entrusted with for the defence of the whole, moved a Suspension of the Habeas Corpus Act for two months. He said, that fully convinced as he was, of the importance of that invaluable law towards the preservation of our

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liberties, he should as soon have consented to cut off his right hand, as stand up to make that motion, if he was not fully persuaded that it was absolutely necessary to secure all the invaluable blessings we enjoyed.

Solicitor General. This law has been suspended nine times since the Revolution, never for less than 3 or 6 months, once for 12; great tenderness in the government to desire it for so short a term as two months only, to the expiration of which it might reasonably be supposed the parliament would continue sitting. The chief objection when this matter last underwent a debate, lay against the length of the suspension, and the ill use which might be made of it during the interval of parliament; the weight of that argument entirely taken off by this motion. If the necessity of the measure is evident, many words in support of it may be spared: If it is not, none can give a colour for agreeing to it.

G. Grenville. Danger of giving up our liberties to an incensed male-administration upon every pretended necessity;—sees no foundation for any alarm but the hearsay evidence of a master of a packet boat: France intends to frighten, not to invade us. Shall a suspicion of the ministry be an argument for a suspension of the palladium of our liberties for a day? This only moved in order to maintain the credit of that seemingly unfounded part of his majesty's Message, about a concert with the disaffected. Puts the House in mind of the senator of Denmark, who upon the surrender of their liberties, said he would only pray to God to bless the king with moderation in the exercise of that unlimited power which they had put into his hands.

Mr. *Chancellor of the Exchequer.* Can by no means agree with the hon. gentleman that our apprehensions are founded on hearsay evidence; concurring advices from all parts, that France designs a diversion upon this country, confirmed by the evasive and contemptuous Answer lately given to Mr. Thompson—great princes will

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February 29. The order of the day being read, for the House to resolve itself into a Committee of the whole House upon the said Bill; a motion was made, and the question being put, That this House will, upon this day se'nnight, resolve itself into a Committee of the whole House upon the said Bill; the House divided. Yeas

never offend, but when they intend to hurt. The administration have delayed (some may think too long), coming into this measure till it was absolutely necessary;—natural to infer from thence that the most pressing reasons induced them to propose it now;—short time to which the suspension is limited, a proof they do not mean to create a jealousy in the people, but on the other hand, they would be inexcusable, if to avoid a short lived clamour, it was deferred till danger was beginning to surround us on all sides.

The Bill was, after this, brought in and read a first time without a division.

Feb. 29. Lord Barrington on the second reading of the Bill moved to defer committing it till the Wednesday se'nnight, when he said it might be known whether so extraordinary a step could be justified by the circumstances of the time and situation of affairs. He was supported by admiral Vernon and sir J. Philips; but the motion was thrown out by 181 against 83;—Pitt and Lyttleton walked down the House, whilst lord Barrington was speaking, and went away; so did Mr. Browne though a Tory; but most of that party voted with the Ayes. Waller was likewise absent. Lord Chesterfield told the Chancellor there was no opposition to this Bill intended amongst the Lords, not even a disposition towards it in any body, and greatly approved the limiting it to so short a time.

As the advices from abroad continued clear and positive, that the French intended an invasion with 15,000 of their best corps, it was judged necessary, considering the small number of men that could be drawn together in case of an enemy's landing, to send general Honeywood orders to keep 10 battalions of British foot in readiness to be put on board at Ostend, upon the first news of the embarkation having sailed from Dunkirk. General Pulteney was dispatched to take charge of this convoy, and the transports which lay in the river to receive the draughts designed for Flanders, received directions to sail for Ostend with the first fair wind.—I was told by a very knowing person, that not above 7,000 of the forces in England could at this time be assembled to act in one body against the French if they made a descent in any of the neighbouring counties, as Kent or Essex; but lord Stair was confident that by a proper disposition of those under his command, he could at least prevent their advancing further than the place where they landed till he was in a condition to fight them. He thought as they would bring neither horses nor heavy artillery with them, he should be able to harass them very considerably with his dragoons, and cannon, and that as they must mark out a camp, fix upon a place of arms, fetch in horses and provisions, and reconnoitre the roads, before they marched up into the country, all this would afford time for the junction of the Dutch auxiliaries, and British troops from Flanders. The ministry were not unanimous about sending for the latter; one part of them objected that it would be considered abroad as deserting the common cause; the others said very rationally, that self defence was the first duty of every government—that our allies might be made to understand the matter aright by representing to them that unless the sailing of the French embarkation from Dunkirk made it absolutely necessary, these forces should not be brought over, and that they would have the less reason to be surprised at it, as this measure had been constantly taken in king William's and queen Anne's wars, under the like circumstances. There was as little unanimity in the French Cabinet as in our own. The duke of Orleans and marshal Noailles had opposed the bold project of invading England in favour of the Pretender: they thought it unjust, ill-founded and desperate; but the enterprizing genius of cardinal Tencin, a man universally detested throughout Europe, as wanting every virtue, and possessing every vice, prevailed over the more moderate councils of the others. What they depended upon at Paris was our inability to fit out a squadron, within any reasonable time, that could equal that from Brest; they reckoned likewise a great deal upon the universal discontent of the nation, which seemed ready to break out into a flame, if a foreign force was once landed to kindle and foment it. I saw a list of

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83; Noes 181; so it passed in the negative. Then the House resolved itself into a Committee of the whole House upon the said Bill.

*Debate in the Commons on the Army Extraordinaries.**] March 19. Notice being taken, that in the Account of the Extraordinary Charges of the Troops in British pay, which served in Flanders and Germany, for the years 1742 and 1743, incurred, and not provided for by parliament (which was presented to the House upon the 13th instant,) there is an article as followeth: "To the duke of Aremberg, to put the Austrian troops in motion,

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the different corps of which the embarkation was to be composed, the whole number amounted to 14,700 and odd men, and besides the 16 battalions mentioned in the Gazette as being on board when the storm arose, the regiment of Navarre, (one of the oldest corps in the service), and the Irish regiments of Clare, Dillon, and Bulkley were upon that roll—none but the latter expressed any willingness to embark, a Swiss battalion absolutely refused it, as being contrary to their capitulations with the court of France, and the French soldiers in general were so averse to the expedition, that it was judged right to make examples of some of the most refractory, who were shot upon the strand. The design was, as the Gazette informed us, "that some French men of war should go towards the west of England in order to draw the English fleet from the Downs, which if they could do, the transports with the troops from Dunkirk would then go up the Thames; but if the English fleet remained in the Downs, the French would then land either at Dungeness in Kent, or at Pevensey Bay in Sussex."

The pious motto upon the medal struck by queen Elizabeth after the defeat of the Armada, may with as much propriety be applied to this event,

"Flavit Vento, et dissipati sunt."

For as bishop Burnet somewhere observes, "our preservation at this juncture was one of those providential events for which we have much to answer."

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

March 13. As the Account of Extraordinary Charges of the Troops in British pay for the years 1742 and 1743, was then laid before the House, I will insert some of the most remarkable Items in it, in order to throw a light on the debates to which it gave rise, and to preserve the memory of a Paper which, in point of the largeness of the sum required to be made good, will, I hope, be the only one of its kind;—and yet exorbitant as that may justly seem, I am well assured it was reduced by Mr. Pelham's care near 300,000*l.* from what it was when it first came before the Treasury.

Heads of the Account.

	£.	s.	d.
The Charge of Forage for the British Troops over and above the usual deductions from their pay	153,798	7	2
Charge for Bread over and above the usual deductions	10,753	6	5
For Bread Waggons	55,352	0	0
Charges upon account of the Hospital	40,278	0	0
For the hire of Bridges cross the Rhine and Mayne and transporting the same	44,796	3	10
Total for the British Troops	281,132	0	0
To the duke of Aremberg for putting the Austrian Troops in motion anno 1742	40,000	0	0
For the Troops of Hanover from the 31st of Aug. 1742, to 29 Nov. 1743.			
For the Charge of Forage over and above the usual deductions as in the British Troops	150,938	0	0
Douceurs	15,000	0	0
Waggon Money	25,593	0	0
Bread over and above the deductions from the pay of the Troops	11,117	0	0
Total for these Troops	214,973	10	7
Advanced upon account of Bread and Forage to the Hessians, from December 1742, to Dec. 1743	28,064	19	8
Total to be provided for by Parliament	524,029	8	9

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anno 1742, 40,000*l*;" a motion was made and the question being proposed, "That the issuing and paying to the duke of Aremberg the sum of 40,000*l*. to put the Austrian troops in motion, in the year 1742, is a dangerous misapplication of

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March 19. Mr. Lyttleton moved, "that the issuing and paying to the duke of Aremberg the sum of 40,000*l*. to put the Austrian troops in motion, is a dangerous misapplication of the public money, and destructive to the rights of parliament." He was supported by lord Strange, Pitt, Waller, Doddington, H. Campbell, sir J. Cotton and sir W. Williams. The arguments upon which the debate turned on their side were, that the right of opening the public purse being incontestably lodged in the House, as well as the power of appropriating particular sums to particular services, the ministry by giving the queen of Hungary 40,000*l*. in 1742, over and above the 300,000*l*. voted that year for her support, had encroached upon this great and peculiar privilege of the Commons: that if such an insult was capable of aggravation, the delay which had been used in laying it before the House might well be called one; and now it had been foisted into an Account to which it bore no sort of relation; that the 50,000*l*. which lord Godolphin advanced to the duke of Savoy in 1706, and which the parliament approved of the next session, was no parallel to the present case; for, first that was issued by virtue of a Clause of Credit in the Act of Appropriation; whereas the ministry had no such powers given them during this war, till the Act of Appropriation of last year was passed, which could not be pleaded in defence of any precedent transaction; and, secondly, several authentic Papers and Memorials were then communicated to parliament in order to convince them of the necessity of that extraordinary disbursement, and the pressing exigence of the service, whereas no other information was held out to them now, except what they received from the verbal assurances of some hon. persons in the administration: surely, the House would not shew less spirit than their ancestors in defence of their rights, and it was the more incumbent upon them to exert it at this crisis, because of the three great branches of the power which they formerly possessed, the giving Advice, redressing Grievances and voting Money, nothing seemed to be left them but the last: nor could they take any other method of resenting the indignity, than coming to this Resolution, before they went into the Committee of Supply, where they would be precluded from considering it in this great constitutional light.

A good deal of warmth shewed itself in the language and behaviour of the principal debaters, particularly on the part of the opposition, who levelled many of their strongest things at Mr. Pelham as well as lord Carteret.

Mr. *Lyttleton* said it was as high an exertion of the prerogative as the levying of Ship Money.

Pitt said that we had now got a Prerogative Administration, the instances he brought to prove his charge, were the prorogation of the session before the Secret Committee had finished their Report —no answer vouchsafed by the crown to an Address for the Dutch papers—the taking the Hanoverians into pay without the consent of parliament, and the misapplication now complained of.

Grenville complimented the last ministry at the expence of the present, who he asserted, were far less tender of the rights of this House than their immediate predecessors; he insinuated likewise that a rivalship subsisted amongst them, which obliged one party to make their court, by giving into the extravagant and unjustifiable schemes of the other.

H. Campbell was inferior to none of them in keen and virulent reflections.

Mr. *Pelham* rose first to speak against this motion, and moved the previous question upon it, seconded by the rest of the court party, Winnington, the Attorney General, sir W. Yonge, Fox, &c. They urged, that if what had been advanced from the other side of the House was well founded, every service incurred and not provided for, and consequently every account of extraordinaries that came before them, was as much a violation of the rights of parliament as the disbursement of the 40,000*l*. How consistent it was with carrying on the public business in time of war to lay it down that no sum could be issued, let the necessity be never so pressing, without a previous application to parliament, they must leave to the House, but must at the same time contend, that it was not the notion which prevailed during the last war: for with regard to the 50,000*l*. additional subsidy paid by lord

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public money, and destructive of the rights of parliament;" the House was moved, that the Journal of the House of

Godolphin to the duke of Savoy, just in the same manner with the sum at present under debate, the House, having considered the affair and examined the vouchers, resolved that it had been expended for the safety and honour of the nation; they were ready to shew that it was the utter impossibility of bringing the Austrians in Flanders out of their garrisons, and the joint representations of lord Stair, and the duke of Aremberg the king's servants, which induced them to advance this money, and they did not see how the power of the Commons had been invaded, when the committee might separate this sum from the total, and refuse to grant it, or direct it to be paid out of the 300,000*l.*; that the reason which had occasioned its not being laid before them last year, was an intention of deducting it out of the 200,000*l.* if the treaty with the king of Sardinia had broken off, but that being brought to a conclusion, they were obliged to apply to parliament to make it good; and that it was both premature and unjust to pass any censure, particularly one of so strong a nature which must consequently draw on an Impeachment, before they had obtained all the lights that were necessary to direct their judgment, and heard every thing that could be said in its defence, in the proper place to receive information about it, the Committee of Supply.

Mr. *Pelham* touched upon the general policy of taking so large a share in the support of the House of Austria, after his usual manner, "that however doubtful the reasonableness and propriety of so litigated a question might appear to wise and honest men, yet when once the king had been engaged by the voice of his people and the advice of his parliament, it concerned the safety as well as credit of the nation, to concur in all measures which should tend to carry on the war most effectually, and bring it the soonest to an honourable issue. He took up what Grenville had said about the rivalship, that contention for power was what himself and all with whom he was connected, had a mortal aversion to; and nothing was in their view, whilst they continued in place, but to vie with the forwardest to promote his majesty's service, in the way that should be most for his advantage and

the 27th of January, 1707, in relation to the proceedings of the House upon the report of the several Resolutions for grant-

the ease and benefit of the nation; and that if those who endeavoured to preserve a peace as long as possible, had not been run upon by popular clamour, our situation at this juncture might not have been surrounded with so many difficulties.

Division whether Mr. Lyttleton's question should be now put. Ayes 144; Noes 232.

It was then moved to go into the committee. The opposition pleaded hard for a respite till Wednesday, but were not indulged in it.—The House divided. For going into the committee immediately 207; Against it 146.

It was after 9 o' clock when Mr. Fane took the chair. Sir W. Yonge went through the different articles of the account, and moved that 524,000*l.* should be granted to make it good. Several Speeches were made *pro* and *con.* I shall give a short account of the Argument in the proceedings of the next day, but not so particular a one as I could wish, because it is difficult to carry away in one's head long and intricate calculations. The Opposition complained much of want of candor, (a word which they grew fond of throwing out against Mr. Pelham) and precipitation in hurrying so large and perplexed an Account through the House, which required a much longer time to be thoroughly understood and discussed;—that nothing but a determined majority could support such a behaviour, equally contrary to the dignity and wisdom of the House, and the intention of considering such things in a committee. They were told from the other side, that they ought not to complain of an inconvenience which was occasioned by delays of their own creating. At last about midnight, Mr. Hume Campbell moved that the chairman should leave the chair and desire leave to sit again; but it was rejected by 73 majority, and then Sir W. Yonge's question went without a division.

March 20. Lord Hillsborough's Motion to address the king for papers relating to the issuing and payment of the 40,000*l.* went without opposition: then the House going into the Committee of Supply, H. Campbell moved that the Resolution of last night should be recommitted; For it, Lord Guernsey, Pitt, Waller, Viner.

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ing to her majesty several sums of money for the extraordinary services for the year 1706, might be read: and the same was read accordingly;

Against it; Sir W. Yonge, Major Cornwallis, Mr. Chancellor of the Exchequer. Ayes 123; Noes 193.

It was said by the Advocates for recommitting, that the Extraordinaries had risen to a sum so far exceeding all precedents in former times,—the highest of those given in after one of the longest and most successful campaigns in queen Anne's war, not amounting to 300,000*l.* that it became the House not to pass this without the maturest consideration;—it would be to lay a shilling in the pound upon all the lands in England; which were already so much loaded. It would be to settle a precedent which would make carrying on the war upon the same footing another year, absolutely impracticable, without draining and impoverishing the nation to a degree that they neither could nor ought to bear. The Account was not only notoriously extravagant but unintelligible and indistinct, no vouchers produced for any part of it, not even his majesty's or the general's warrants.—No Estimate given in of the price at which each ration of forage was computed, or of the allowances that were made to the generals and subaltern officers, and the regiments of foot and horse; without all which it was impossible to judge if it was rightly made up, or whether the service had been economically, or properly managed;—that it was to no purpose to enter into particulars; they stumbled at the threshold. Mr. H. Campbell computed, that upon the very first article, viz. of forage, a saving of 64,000*l.* might have been made, if the same proportion which was particularized on the Journals to have been allowed to 3 regiments of dragoons, which took the field in March, in one of the duke of Marlborough's campaigns, had been followed in the present case; even reckoning each ration at 13*d.* then, and 17*d.* now. It was likewise insinuated, that part of the exceedings in their part of the account had been set down to the English side, in order to bring the proportions of the different corps nearer to an equality,—that the extraordinaries of the 6,000 Hanoverians were paid by England as well as of the 16,000,—that we had suffered them to give more for their forage, than we did for our own,—that no check was put upon their contractors,—yet some particulars were said to be included under the head of forage which cost the army nothing wherever they went, as wood and straw;—that there was great reason to suspect collusion and fraud lurked in the Account under confusion and obscurity, and therefore since the majority would not suffer it to be stated and settled by a select committee, they should take more time to discuss it thoroughly in the House, and consider that the Resolution of the preceding night, was a victory obtained by the administration over lassitude and ignorance.

Viner objected to the Douceurs as a very unreasonable item, because they were not allowed to our own troops who had gained the battle and preserved the royal person, but to our mercenaries, who had distinguished themselves only for pusillanimity.

The great exceeding of this Account above former ones was attributed to three causes: 1. That our army having never been out of neutral or allied countries had subsisted the whole time upon dry forage; 2. That the contributions raised during the last war had defrayed some part of the extraordinaries; and 3. That the Dutch then contributed their share towards that expence with relation to the hired troops who were in the joint pay of England and the States;—that no Account of this sort had ever been laid before parliament so distinct and methodical, as gentlemen might easily be convinced by having recourse to the Journals,—one instance was given of Extraordinaries, wherein an article was thus worded, "for improving and prosecuting the advantages gained last year in Spain, 60,000*l.*:"—That it was neither usual nor practicable to bring in the vouchers,—that the Treasury themselves could only examine the principal,—that the persons concerned must keep their authorities for their own security and justification, till their Accounts were passed in the Exchequer;—that the enquiries made into the Management of the Public Money during the Queen's time were not set on foot till the war was in a manner concluded;—the public paid less for forage than private persons usually did, by 3*d.* a ration;—the article of Waggon Money had been managed with better husbandry than formerly;—the rates as to price and quantity were settled by lord Stair, and it appeared by an order from him, which Mr. Hunter read to the House, that care was taken that forage should be furnished to

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And the previous question being put, the House divided. Yeas 144: Noes 252.

*The King of France's Declaration of War against England**.*] On the 20th of March, the King of France issued the following Declaration of War against Great Britain:

" By the King,

" Upon the breaking out of the troubles after the death of the emperor Charles the

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the English and Hanoverians at equal prices. Mr. Pelham read out of a paper in his hand, the Allowances which were made to the general officers, as major Cornwallis acquainted them, the allotment to the subalterns and regiments, to which no objections, as I remember, were raised; —the former assured the House, that all the care imaginable should be taken to reduce this expence for the future, that the Lords of the Treasury had conferred upon this very subject with the honourable person who was appointed by his majesty to command in Flanders, and some regulations of that sort were already established, —that this Account had been so long delayed, but with a view of stating it clearly, and charging each article, after all deductions were made at the lowest sum, and therefore hoped the House would not disagree with the Committee.

It is certain, and much to be lamented, that this important part of the service had not been managed with the same economy and skill as was practised under the duke of Marlborough, during his long march to the Danube in 1704, when he passed through the countries both of allies and neutrals, he used the green forage, and did not put the public to a shilling expence extraordinary for it; nor was the charge on that head after any of his campaigns more than 70,000*l*.: in the present instance, great abuses and frauds had certainly been committed. Lord Stair was negligent of the detail, and those under him did not fail to abuse his indulgence. The hopes of a reformation for the future, the esteem which Mr. Pelham was in for integrity and sufficiency, and the necessity of the times, carried this Account through the House; otherwise, I do not believe there was a man in it who was not fully convinced that it was to the last degree unreasonable and exorbitant, and that it was utterly impossible to pay such another.

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

The expectations of the public had been much raised by the first accounts of the Fight in the Mediterranean, the long silence of the court of France about it, and the circumstances which were mentioned in several private letters* (and even in one from the Dutch envoy at Madrid to the States) making it reasonable to believe, that the event had been pretty decisive in our favour;—and that at the worst, if the French ships had escaped, many of the Spanish must have fallen into our hands; but when the express from Matthews arrived (who had been longer than usual on the way) the sanguine hopes we had entertained gave place to as general a disappointment and dissatisfaction;—the bloody and obstinate battle of three days shrunk into an action, and that by no means general, which lasted but a part of one;— the great number of ships taken and destroyed was reduced to the capture of a single ship of war;—But the circumstance which of all others occasioned most clamour and discourse was the strange conduct of Lestock, who did not bring up his division to fire a shot, and by this means prevented us from gaining an entire victory over the Spaniards and their auxiliaries. Matthews, in his public letters, expressed his surprize at this inaction of Lestock, and his ignorance of the cause from which it proceeded, but added, that he should take the first opportunity of enquiring into it very strictly. Private accounts mentioned, that some of the captains who were engaged had been wanting in their duty, and fired at too great a distance. Rowley, at the same time that he commended the gallant behaviour of the Spaniards, accused them of fighting with unlawful arms. The admiral also complained that the make of our ships was not fit for that rolling sea, they being built so

* One in particular from a Jew at Marseilles to a Merchant in the City gave a pretty circumstantial account; the purport of it was, that the engagement began on the 22d N. S. and lasted 3 days with great obstinacy and fierceness on both sides, that in the 2 first, the English had the disadvantage, but on the 3d there came a wind in our favour, of which Matthews made so good use, that in the end he obtained a complete victory. Other letters said we had lost 16 ships, and destroyed 30 of the enemies.

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Sixth, the king took all opportunities of shewing, that his majesty desired nothing more earnestly than to see them speedily concluded, by an equitable accommodation between the parties in war.

"The conduct which his majesty has ever since observed, has sufficiently demonstrated, that he constantly persisted in the same dispositions; and his majesty, not being desirous of forming any pretensions for himself, which might in the least obstruct the re-establishment of the tranquillity of Europe, had no notion of being obliged to take part in the war, otherwise than in supplying his allies with the succours which he was engaged to give them.

"Such disinterested views would soon have restored peace, if the court of London had thought with as much equity and moderation, and if it had consulted nothing but the welfare and advantage of the English nation; but the king of England, elector of Hanover, had very opposite intentions, which, as it was soon perceived, aimed at nothing less than kindling a general war. Not satisfied with dissuading the court of Vienna from entertaining any notion of a reconciliation, and with nourishing its animosity by the most violent councils, it has taken all opportunities of irritating France, by every where disturbing her maritime commerce, in contempt of the law of nations, and the most solemn treaties.

"The Convention of Hanover, in October 1741, seemed at least to have assured his majesty of the discontinuance of

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low, that when the waves were rough, the lower tier (which consists of the greatest weight of metal) was under water, and quite unserviceable; whereas the enemies' ships were so contrived that they use their largest guns in foul weather, which gave them in that material point a great advantage over us.—The French adhered to their old maxim of leaving their allies to shift for themselves, but three of De Court's squadron engaged, and those for no long time; the rest kept their wind out of the reach of danger. The queen of Spain, at whose pressing instances almost accompanied with threats, the combined fleets sailed out of the harbour of Toulon, talked in so high a style upon this occasion, that the French court, in order to pacify her, hastened out their Declaration of War against Great Britain, though things were come to such a pass between the two crowns, that if this affair had not intervened, it could not have been delayed much longer;—for on the morning that Mr. Thompson was invited by M. Amelot to Versailles, where the notification was made to him, he received instructions to come away without taking leave—which was the form pursued by king William in a case of the like nature, and the first expression of his resentment after Lewis the 14th had acknowledged the Pretender.

Nothing afforded so melancholy a prospect at this time as the want of union in the Cabinet. The two leaders there, the duke of Newcastle and lord Carteret, were not upon good terms enough to dine together, the Admiralty concurred in a Representation to the king, against the distinction granted to sir J. Norris by allowing him to correspond only with the Secretary of State, and putting the whole royal navy under his command as vice admiral of England, whilst he was at sea; the counts Chanclos and Nassau (both men of credit in their profession, and hearty in their affections to the common cause) left England chagrined and disgusted, that the season for taking the field advanced so fast, and no plan of operation was yet concerted amongst the allies. The British general set out for Flanders with the same uneasiness upon his mind. The resentment of all men against those officers that behaved ill in the late engagement was much heightened by the news which arrived of the queen of Spain's having written a letter to the court of France, in which she said, that so great was the cowardice, (lascheté, I think, was the expression) of the English, that if De Court had seconded the bravery of her admiral, the issue of the day must have been entirely in their favour.

The Declaration of War on our part, soon followed that from France. It was drawn by Mr. Stone on the model of lord Somers in 1689, and universally esteemed one of the best Papers of the kind that had ever appeared. There was a strength, dignity and spirit in it, supported by undeniable facts, which very properly exposed the sophistry and thin false colouring of our enemies' Declaration. Ours was proclaimed March 31st, O. S. the French March 23, O. S. The same day lord Barrimore was released; his bail were lord Granard, lord Doneraile, Mr. Shuttleworth, member for Lancashire, and Mr. Crew, member for Cheshire.

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such excesses. The king of England, during the stay he made in his German dominions, appeared to listen to the complaints which were made to him on this occasion, and to perceive the justice of them; he gave his royal word that he would cause them to cease, and he formally engaged himself not to disturb the allies of the king in the pursuit of their rights; but scarce was he returned to London, before he forgot all his promises; and as soon as he was certain that the king's army had entirely quitted Westphalia, he caused it to be declared by his ministers, that the Convention no longer subsisted, and that he looked upon himself as disengaged from it.

"He then thought there was no longer necessity to act with circumspection: being himself a personal enemy of France, he seemed to have no other views than to raise up such every where against her: this became the principal point in the instructions of his ministers in all the courts of Europe. The piracies of the English men of war increased with cruelty and barbarity; even the ports of the kingdom were no longer an asylum against their insults. The English have at length dared to block up the port of Toulon, to stop all ships, to seize upon the merchandize which they carried, and to take even the recruits and ammunition which his majesty was sending into his strong places.

"So many repeated injuries and outrages have at last tired the patience of his majesty, who can no longer bear with them, without failing in the protection which he owes his own subjects, in the assistance he owes his allies, in the defence of himself, his honour and glory. These are the just motives that no longer permit his majesty to keep within the bounds of moderation which he had prescribed to himself, and which constrain him to declare war, as he does by these presents, against the king of England, elector of Hanover, both by sea and land.

"His majesty ordains and enjoins all his subjects, vassals and servants, to fall upon the subjects of the king of England, elector of Hanover; forbids them in the most express manner from hereafter having any communication, commerce, or intelligence with them, on pain of death; and consequently his majesty hath from henceforward revoked, and does revoke all permissions, passports, safeguards, and safe-conducts, which may have been given by himself, or by his lieutenant-generals, and other his officers, contrary to these presents, and hath declared them, and does declare them null, void, and of no effect, forbidding all persons from having any regard thereto.

"His majesty orders and commands the duke de Penthievre, admiral of France, the marshals of France, the governors and lieutenant-generals for his majesty in his provinces and armies, camp-marshals, colonels, captains, heads and conductors of his military people, as well horse as foot, French and foreigners, and all other his officers whom it shall concern, that they, and each of them, cause the purport of these presents to be executed, in the extent of their powers and jurisdictions, for such is the will of his majesty. He wills and intends that these presents shall be published and fixed up in all the cities, as well maritime as others, and in all the ports, harbours, and other places of his kingdom and territories under his obedience, where it shall be needful, that none may pretend ignorance thereof.

"Done at Versailles, March 15, (4th) 1744. (Signed) LOUIS."
And underneath, "AMELOT."

The King of England's Declaration of War against France.] On the 31st of March the following Declaration of War against France was issued:

"The troubles which broke out in Germany, on account of the succession of the late emperor Charles the Sixth, having been begun and carried on by the instigation, assistance, and support of the French king, with a view to overturn the balance of power in Europe, and to extend the dangerous influence of that crown, in direct violation of the solemn guarantee of the Pragmatic Sanction, given by him in the year 1738, in consideration of the cession of Lorrain; and we having on our part executed our engagements for maintaining the Pragmatic Sanction, with that good faith which is inseparable from us; and having opposed the attempts made against the dominions of the queen of Hungary; we are not surprized that our conduct in this respect, should have drawn upon us the resentment of the French king, who has found his ambitious views, in a great measure, disappointed by the assistance we have furnished to our ally, unjustly attacked by him; or that he should allege it as a principal reason for declaring war against us.

"From the time that we found ourselves

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obliged, for the maintenance of the just rights of our subjects, to enter into a war with Spain, instead of observing a strict neutrality, which we might have promised ourselves on the part of the French king, from whom we were even founded by treaty to have demanded assistance; he has given encouragement and support to our enemies, by conniving at his subjects' acting as privateers under Spanish commissions, both in Europe and America; and by sending in the year 1740, a strong squadron into the American seas, in order to prevent us from prosecuting the just war which we were carrying on against Spain in those parts; and we have the most authentic proof, that an order was given to the commander of the French squadron, not only to act in a hostile manner against our ships, either jointly with the Spaniards, or separately; but even to concert measures with our enemies, for attacking one of our principal dominions in America; a duplicate of that order dated the 7th of October, 1740, having fallen into the hands of the commander in chief of our squadron in the West Indies. This injurious proceeding was greatly aggravated by the French minister at our court, having declared on occasion of sending the said squadron, that the French king was very far from having any design or intention of breaking with us.

"The same offensive conduct was continued, on the part of the French king, towards us, by his squadron in the Mediterranean, in the year 1741, joining with and protecting the ships of our enemies, in sight of our fleet, which was preparing to attack them.

"These unwarrantable proceedings; the notorious breach of treaties, by repairing the fortifications, and erecting new works at Dunkirk; the open hostilities lately committed against our fleet in the Mediterranean; the affront and indignity offered to us, by the reception of the son of the Pretender to our crown, in the French dominions; the embarkation actually made at Dunkirk, of a considerable body of troops, notoriously designed for an invasion of this kingdom, in favour of the Pretender to our crown; and the sending a squadron of French ships of war into the channel, to support the embarkation and invasion, will be lasting monuments of the little regard had by the French court for the most solemn engagements, when the observance of them is inconsistent with interest, ambition, or resentment.

"We cannot omit taking notice of the unjust insinuations contained in the French king's declaration of war against us, with respect to the convention made at Hanover, in October, 1741; that convention, regarding our electorate only, had no relation to our conduct as king of Great Britain. The allegations concerning it, are groundless and injurious; our proceedings in that respect, having been perfectly consistent with that good faith, which we have always made the rule of our actions.

"It is unnecessary to mention the objections made to the behaviour of our ministers in foreign courts; since it is notorious that the principal view and object of the negociations of the French ministers in the several courts of Europe, have been either to stir up intestine commotions in the countries where they resided, or to create differences or misunderstandings between them and their respective allies.

"The charge of piracy, cruelty and barbarity against our ships of war, is equally unjust and unbecoming; and we have all such proceedings so much in abhorrence, that, if any practices of that nature had been made appear to us, we should have taken effectual care to put a stop to them, and to have punished the offenders in the severest manner.

"We being therefore indispensably obliged to take up arms, and entirely relying on the help of Almighty God, who knows the uprightness of our intentions, have thought fit to declare, and do hereby declare war against the French king; and we will, in pursuance of such declaration, vigorously prosecute the same by sea and land; being assured of the ready concurrence and assistance of all our loving subjects, in so just a cause: and we do hereby will and require our generals and commanders of our forces, our commissioners for executing the office of high admiral of Great Britain, our lieutenants of our several counties, governors of our forts and garrisons, and all other officers under them by sea and land, to do and execute all acts of hostility in the prosecution of this war against the French king, his vassals, and subjects, and to oppose their attempts; willing and requiring all our subjects to take notice of the same, whom we henceforth strictly forbid to hold any correspondence or communication with the subjects of the French king: and we do hereby command our own subjects, and advertise all other persons of what nation soever, not to transport or carry any sol-

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diers, arms, powder, ammunition, or other contraband goods, to any of the territories, lands, plantations, or countries of the said French king; declaring, that whatsoever ship or vessel shall be met withal, transporting or carrying any soldiers, arms, powder, ammunition, or other contraband goods, to any of the territories, lands, plantations, or countries of the said French king, the same being taken shall be condemned as good and lawful prize. And whereas there are remaining in our kingdoms divers of the subjects of the French king, we do hereby declare our royal intention to be, that all the French subjects who shall demean themselves dutifully towards us, shall be safe in their persons and estates.

"Given at our court at St. James's, the 29th day of March, 1744, in the 17th year of our reign. God save the King."

*The King's Speech to both Houses on declaring War against France.**] April 3. The king came this day to the House of Peers, and made the following Speech to both Houses:

"My Lords and Gentlemen,

"The preparations which were so long carried on in France, to invade this kingdom, in favour of a popish Pretender, have at last been followed with a declaration of war, by that crown, against me. The duty, affection, and zeal, for me and my family, which have been so fully and cordially expressed in the unanimous Resolutions of both Houses of Parliament, and in the loyal and seasonable Addresses of all my good subjects, ought to have convinced our enemies, how ill-grounded any hopes of success were, with which they might have vainly flattered themselves in such an attempt: to me, it is the truest satisfaction, and must be the greatest security to my government, that, just at the time of entering into this war, I have had such solemn assurances and pledges of the fidelity and good affections of my people.

"Whatever colours may be endeavoured to be put on these injurious proceedings of the court of France, I can appeal to the

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

April 3. Both Houses met this day pursuant to their adjournment; the king made a speech to them, which together with the Lords' Address were compositions of the Chancellor, and met with general approbation: Coke and lord Perceval moved the Commons' Address. The Opposition did not object to any part of it, but hoped their concurrence would not be extended further than they meant it, viz. as a chearful and ready testimony of duty to his majesty and zeal to support him in this unavoidable War with France, and not as any approbation of any past measures which had brought us into it, or any future ones by which we should continue to support the queen of Hungary on the same unequal and impracticable footing: neither did they intend to preclude themselves from proposing enquiries into the management of every part of our strength and of the public expences, which they thought more necessary now than ever, since by the dextrous conduct of the ministry, we were become sole principals in a joint war against France and Spain, to prevent the union of which two great monarchies, the Grand Alliance had been formed, and scarce found equal to the work;—what, then, must be the fortune of this country in its present circumstances if another spirit and economical turn was not infused into every branch of government? What! but misery and ruin both from within and without? It gave them great pleasure (they said) to observe that the king in his Speech expressed his reliance on the affections and loyalty of all his people; the more so as it seemed a tacit recantation of a late Message, which carried along with it the proscribing cast of party. They disapproved sending for the Dutch troops on the alarm of an invasion, which Mr. Doddington called an imaginary one, but Pitt allowed to be real, because it shewed a distrust of our own, who might more easily have been fetched hither from Ostend, than the latter from Williamstadt. They asserted likewise that the Dutch would not think it for their interest to make this declaration of France *casis Fœderis*, and join us in carrying on the war.

Mr. Pitt threw out a political prophecy at lord Carteret, and said perdition would infallibly attend the rash author of those measures which had produced this disastrous, impracticable war. He spoke in terms of resentment against the French insolence in styling the King throughout their Declaration '*Roi D'Angleterre, Electeur D'Hanovre,*' and did not differ

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whole world for the rectitude and equity of my conduct, always steadily directed to the defence of the ancient allies of my crown, conformably to treaties, to the preservation of the balance and liberties of Europe, and the maintenance of the commerce and essential interests of my kingdoms, pursuant to the advice of my parliament, without invading the rights of any other power.

"Under these circumstances, I have declared war, on my part, against the French king; and have made the proper requisitions to my allies, particularly the States General of the United Provinces (whose friendship I have so lately experienced), to join with me, and perform their engagements, on this important occasion.

"Gentlemen of the House of Commons;

"I take this opportunity to thank you for the readiness and dispatch with which you have already granted me such large supplies, and that on terms so advantageous to the public, although we were then actually menaced with an invasion. It would give me the utmost concern, to see our expences increased by this new event; but if you shall find any thing further necessary, for the support of the honour of my crown and your own security, in the present conjuncture, I depend on your wonted zeal to provide for it.

"My Lords and Gentlemen;

"In so just a cause, I rely on the divine protection, and on your vigorous and effectual support and assistance. Let the

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with Mr. Pelham in the sense he had put upon it.

The Courtiers agreed that the others should fix their own limitations upon their concurrence to the Address, provided they would come readily into it. They lamented the necessity we lay under of being principals against France, but how was it to be avoided? That crown has declared us so, and has, besides, by a series of conduct given us to understand that its friendship could not be depended upon. She began by fomenting the differences between us and Spain, when they broke out into an open rupture; she continued to assist our enemies and distress us by every possible method;—on the emperor's death she laid hold of so favourable a juncture to weaken and dismember the House of Austria. We were obliged for our own interest, as well as the common good of Europe, to interpose in defence of that House, and execute a guaranty which France had sworn to maintain as solemnly as Great Britain;—particular measures in the prosecution of this great work, they said, might be censured, but the end to which they had been directed was wise and just. France, disappointed by the vigorous exertion of the strength of this country, set us up as the mark of her resentment—determined to break through every treaty between us without ceremony. She prepares a formidable embarkation with an avowed design of invading us, and places at the head of it the son of a Pretender whose cause she had so often renounced. That design being almost providentially rendered frustrate, the French court throws off the mask at once, and declares war against Britain. In this situation it becomes all who have a regard for the safety and honour of this country to vie with one another in giving his majesty the most zealous assurances of support, and they professed themselves glad to see so unanimous a disposition in the House upon that subject, but wished some reflections which had no immediate relation to the matter before them, had been spared. Economy without doubt, was of absolute necessity, and should be practised in all cases where the public service would not suffer by too rigorous a frugality: the small number of troops in the kingdom when the first alarm of an invasion came over, made it right to encrease them. The Dutch were sooner likely to be prevailed upon to fulfil their engagements, by sending over the 6,000 men, than to make any alterations in the treaties by marching that number into Flanders, in order to give us an opportunity of withdrawing as many English from thence; besides, it was well known that ten battalions of our own men there were kept in readiness to be transported if the French embarkation had sailed,—therefore no distrust of them. Mr. Pelham seemed to think that Holland would not be able to keep out of the war long, and that the readiness and cordiality with which they had lately complied with our demands was a good symptom of success in any future requisitions which the king should be advised to make. He concluded by working up a spirit in the House with regard to the insolent and equivocating manner in which the Declaration of the French court pointed out their having in view another king of England, besides him who was elector of Hanover.

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enemies of our peace, who have long aspired at the universal monarchy of Europe, and envied the liberty and flourishing condition of my kingdoms in particular, see, that Great Britain, in conjunction with her allies, is able to withstand and defeat their destructive projects. I will do my part: I have no interest at heart but yours; and in that common interest let us all unite."

The Lords' Address thereon.] His majesty having retired, their lordships agreed upon the following Address:

"Most gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, return your majesty our humble thanks, for your most gracious Speech from the throne.

"As the preparations lately made by the court of France to invade this kingdom, in favour of a Popish abjured Pretender, raised in us the utmost resentment and abhorrence; so the disappointment, which, through the good providence of God, and your majesty's vigilance, that pernicious design has met with, fills our hearts with the truest joy and satisfaction.

"A proceeding so notoriously contrary to the faith of many treaties, could have been aggravated by nothing but the declaration of war published by the French king against your majesty; a declaration containing insinuations so injurious to your majesty's royal dignity, and to the honour of the British name and nation, that the indignation which we feel in ourselves makes us not doubt but it will have the same just effect on the minds of all your faithful subjects.

"Our zeal for your majesty, your royal family, and government; our ardour for the service and support of your majesty and our country, at the expence of our blood and treasure; could not have been augmented by any circumstances but the measures now taken by France, unprovoked by any thing but your majesty's endeavours to defend the ancient and natural allies of your crown, to preserve the liberties of Europe, and to maintain the commerce and essential interests of your kingdoms.

"If Great Britain could be wanting to your majesty in so just a cause, it must be wanting to itself. You may therefore firmly rely on the utmost efforts of your people, to make good the solemn assurances which they have so dutifully and so affectionately given you, and effectually to stand by and assist your majesty, in prosecuting the war against France with the greatest vigour.

"We acknowledge your majesty's goodness, in acquainting us, that, upon this event, you have made the proper requisitions to your allies, particularly to the States General of the United Provinces, between whom and this nation the strictest ties do happily subsist: we humbly beseech your majesty to continue those instances in the strongest manner; not doubting, but the same friendship which that great Protestant republic has so lately shewn for this kingdom, and their just sense of our common interest and common danger, will induce them to join with your majesty, and to fulfil their engagements on the present occasion.

"Your majesty's gracious and paternal declaration, that you have no interest at heart but that of your kingdoms, cannot fail to excite in all your subjects the warmest gratitude; and to cement that confidence between king and people, which is so necessary in this conjuncture. Permit us, on our part, to assure your majesty, from the bottom of our hearts, that we look upon the defence and support of your majesty, and of the Protestant succession in your illustrious House, as the only security (under God) of our religion, laws, and liberties; and that, in this national and glorious cause, all true Britons and Protestants will zealously and stedfastly unite."

The King's Answer.] To the above Address his majesty returned this Answer:

"My Lords;

"I give you my hearty thanks for this Address, so full of that duty and zeal which I have always experienced from you. The unanimity with which it passed, adds greatly to the satisfaction I receive from it. I rely upon you to make good your assurances; and you may depend on my endeavours to carry on this war in such a manner as may be most for the advantage of my kingdoms."

The Commons' Address thereon.] The Address agreed upon by the Commons was as follows:

"Most gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, beg leave

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to return your majesty our most hearty thanks for your majesty's gracious Speech from the throne; and to express our utmost indignation and resentment, that, after an attempt the most perfidious to surprise your majesty's kingdoms by a sudden invasion, in favour of the Pretender, the French king should publish a declaration of war, couched in terms injurious to the honour and dignity of your majesty's crown, person, and government, and avowedly founded upon your majesty's having supported, pursuant to your engagements, an ally oppressed by the French king, contrary to his faith, solemnly pledged and dearly bought.

"We congratulate your majesty on the ready assistance your majesty has lately received from the States General.

"We beg leave also to return your majesty our sincere thanks for having asserted the honour of this nation, in declaring war against the French king; and for having, on this important occasion, been graciously pleased to make the proper requisitions to your majesty's allies, and particularly the States General, united in one common and invariable interest with this nation; and we cannot doubt but that, by your majesty's steadily pursuing the said instances, they will, from their known regard to treaties, and their just sense of the impending danger, co-operate with your majesty in the most vigorous and effectual measures for checking the ambitious views of France, and preserving the liberties and balance of Europe.

"Your faithful Commons do humbly assure your majesty, that, in the prosecution of this unavoidable war, whatever further expences shall be found necessary for the support of the honour of your majesty's crown, and the security of this nation, your majesty may depend upon their most ready and effectual assistance, such as they think becomes a free and grateful people, in defence of their liberties, against that power which has long aspired at the universal monarchy of Europe, and whose ambitious views and destructive projects have hitherto been defeated, by the blessing of God on the arms of Great Britain, and her allies."

The King's Answer.] To which Address his majesty gave this Answer:

"Gentlemen;

"I thank you for these repeated assurances of your zeal and affection. Your unanimity on this occasion, will, I make no doubt, have a very good effect upon our allies. You may depend upon my endeavours to make this war as little burthensome to my people as possible."

*Further Debate in the Commons on the Army Extraordinaries.**] April 10. The

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

April 10. Mr. Lyttleton revived the motion, which, on the Debate upon the Extraordinaries, had been put off by the previous question. He treated the payment of the 40,000*l.* as a breach of the Clause of Appropriation, an attack upon the most tender point of parliamentary privilege, the granting of money, and almost an entire subversion of the constitution by the ministers; which it was the duty of the House, if they were not disposed to declare themselves useless, to resent in the strongest manner: He confessed, extraordinary emergencies in government would justify extraordinary measures, and quoted the famous instance of Epaminondas, who extended his command beyond the time allowed by the laws, and when he was called in question for it by his countrymen, did not pretend to deny the truth of the charge, but only desired the great services he had performed against Sparta during that period, might be inscribed upon his tombstone: thus, continued he, the necessity of the case ought to be so glaring, as to carry along with it its own apology,—but, upon the face of this transaction, it appears that the ministry had ventured to give this sum, out of money appropriated to other uses of the war, upon a service not voted by parliament, which had fixed the subsidy to the queen of Hungary at 500,000*l.*: that the court of Vienna had not shewed why it was impossible for them to supply their forces in Flanders out of it,—that by a letter of lord Stair's, it should seem, that the project for which these troops were to be put in motion was to have been executed in autumn—and consequently was dropped when the last payment of this 40,000*l.* was ordered in November 1742. Parliament was then sitting, and might have been applied to, if the necessity for giving it was so absolute, but every circumstance of this transaction shews a contempt of parliament, a resolution to govern by the prerogative. Why was it concealed from them all last ses-

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House proceeded to take into consideration the several Papers presented to this House, relating to an Article in the Account of the Extraordinary Charges of the Troops in British pay, which served in Flanders and Germany, for the years 1742 and 1743, incurred, and not provided for by parliament, of "40,000*l.* to the duke of Aremberg, to put the Austrian troops in motion, anno 1742." And the said Papers were read; and a motion being made, and the question being proposed, "That the

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sion? and now foisted into an Account with which it had no connection?—Warrant by which the Paymaster was empowered to comply with lord Stair's order, not sent in. Many other necessary lights wanting.—Takes great pains to disculpate that noble lord—his duty to transmit the Memorials of the Austrian ministers, to recommend whatever was requisite towards forwarding the service,—but the duty of the government here not to comply with the requisitions of any foreign or even English general—much less to do it against law, against the genius of the constitution. Repeats the question of Censure.

Lord *Strange* seconded in a few words.

Mr. *Winnington.* Impossible in the course of business to keep strictly to the Clause of Appropriation. Army voted by parliament from Lady-day to Lady-day.—Subsistence only allowed from Christmas to Christmas, has been the constant practice of the office he is in to continue the pay of the troops till Lady-day, or else they must live upon free quarter;—Must not that be advanced out of money allotted to other services, till a further provision is made for them?—But very lately during the alarm of an invasion, was himself obliged to issue a sum to defray the charges of the Dutch troops: ministers in time of war must act with a halter about their necks;—sees no danger to the constitution whilst every step they take is submitted to the enquiry and censure of parliament:—cites the precedent of the duke of Savoy's 50,000*l.*, which has been explained before. The whole merit of this rests upon the necessity of it; of that the generals were the best judges. Appeals to gentlemen whether they do not know that lord Stair, if he was at the bar, would maintain what he has said in his letters: does not see if there is any crime in being concerned in this transaction, that he can be exempt from it who drew the warrants for payment of the money. Moves an Amendment or rather total alteration of the question, that the words "dangerous misapplication," &c. being left out, these should be inserted, "necessary for carrying on the public service, and of great consequence to the common cause."

Mr. *Pitt.* Went through some of the general arguments urged by Lyttleton. This could not be considered in the light of a service incurred, and not provided for, because that was an exceeding upon a service actually voted; this a new service created without the consent of parliament, and at a time when they might have been consulted. Will go as far as any man in defence of any extraordinary measures in cases of an extreme necessity,—the utmost stretch of the prerogative is then constitutional. But cannot parallel the fear of an invasion, (as the hon. gentleman seems to do) with the wants of the Austrian troops in Flanders, after this House had granted such an immense subsidy to put them all in motion;—complains of the great deficiency of lights from the Papers laid before them,—applies a conceit of Oglethorp's in a different manner,—that it reminded him of the derivation of *lucus à non lucendo.* The minister corresponded with, (lord Carteret) has only vouchsafed us a single paragraph from his letters in answer to the earl of Stair's,—hopes even that will one day make the groundwork of an impeachment. It does not appear by what authority lord Stair drew the warrants;—Collects from a passage in one of his letters that it was not by virtue of his general's commission;—Observes upon the Treasury's order that it was dated in April, though the money was paid in the November before,—reads from the Journal of 1702, Votes against the applying money in the Paymaster's hands, to other than the use of the army and forces, (by which he said must be meant our own) and against the sending privy seals or warrants to the auditors, to pass accounts or make allowances, other than according to the law and course of the Exchequer;—and then to shew the mark he levelled at, he concluded with a vote passed upon lord Ranelagh at the same time, as follows: "that it appeared to this House that several sums of the public money had been misapplied by the paymaster."—Will not say, that an approbation of this measure will take away from the Commons the rights of granting and appropriating money; but it will certainly weaken the first,

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issuing and paying to the duke of Aremberg the sum of 40,000*l.* to put the Austrian troops in motion, in the year 1742, was a dangerous misapplication of public money, and destructive of the rights of parliament:"

An Amendment was proposed to be made to the question, by leaving out the words "a dangerous misapplication of public money, and destructive of the rights of parliament," and inserting, instead thereof, these words, "necessary for putting the said troops in motion, and of great consequence to the common cause:" And the question being put, that the words proposed to be left out stand part of the question; the House divided. Yeas 145; Noes 259. So it passed in the negative. And the question being put, that the words "necessary for putting the said troops in motion, and of great consequence to the common cause," be inserted instead thereof; it was resolved in the affirmative.

Then the question, thus amended, being put;

Resolved, "That the issuing and paying to the duke of Aremberg the sum of 40,000*l.* to put the Austrian troops in motion, in the year 1742, was necessary for putting the said troops in motion, and of great consequence to the common cause."

*Debate in the Commons on the State, Condition, and Conduct of the Navy.**]

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and make the latter a mere cobweb limitation, which an arbitrary minister may break through at pleasure:—Ventures to prophesy that if this method of conducting business goes on, a seat in this House will not be the way to power or favour, and hopes gentlemen, for their own sakes, if not for that of the public, will concur in putting a timely stop to it.

Mr. *Chancellor of the Exchequer.* The question before them a charge of as high a criminal nature as any whatsoever; therefore should be very strongly made out: Ventures to affirm, that not a year of the last war passed, wherein things full as irregular, were not done uncensured;—thinks the general's warrant a very proper one for him to act upon.—Appeals to the House whether those who direct the Army or those who direct the Finances, were the best judges of the necessity, and whether the latter ought to be censured for complying with the representations of the former; though parliament had not particularly voted this service, yet the incurring it was in pursuit of the great object recommended by parliament to the throne, and doing that, which, if left undone, must have stopped the progress of the arduous work which has already cost this country so dear. The payment of this sum was requisite to put the Austrians in motion for the execution of any project, so that it is not to the purpose whether the design for which it was first wanted, subsisted or not when the last payment was made; but whether they could have marched at all without it. The fact is, those troops took the field in the beginning of February 1742-3,—produces several precedents from the Auditors Office, tending to shew that the allowance from the Treasury was right in point of form, provided the thing itself, viz. the giving the money, was justifiable: is surprized that those gentlemen who used to object to votes of credit, that the parliament was thereby engaged to make good every extravagant expence of the ministry, and that if they ought to take any such disbursement upon themselves, and leave it to be justified by the necessity in a future session, should blame the irregularity of this proceeding:—conscious of his good intentions, sits down as contented as ever he did in his life: let the determination of this question go which way it will, shall submit to the judgment of his country.

List of Speakers.

For.	Against.
Lyttleton.	Winnington.
Lord Strange.	Oglethorpe.
Pitt.	Solicitor General.
Doddington.	Sir William Yonge.
Bowes.	Col. Bladen.
G. Grenville.	Fox.
Oswald.	Mr. Pelham.
Sir John Cotton.	
Viner.	

Ayes ... 145
Noes ... 259
Majority ... 114

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

April 16. The House was moved by lord Granard to appoint a committee of enquiry into the conduct of the fleet for the two last years. He founded the necessity of it upon the complaints made by Admiral Matthews in his Letters to the commissioners of the Admiralty and Navy,

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April 16. Ordered, That a Committee be appointed to examine into the State, Condition, and Conduct, of the Navy, from the 25th of March, 1742, to the 25th of March, 1744.

A motion was made, and the question being put, that the said Committee be a Committee of the whole House;

The House divided. Yeas 201; Noes 122. So it was resolved in the affirmative.

Resolved, That this House will, to-morrow sevennight, resolve itself into a Committee of the whole House, to examine into the State, Condition, and Conduct of the Navy, from the 25th of March, 1742, to the 25th of March, 1744.

*Debate in the Lords on the Bill for making it Treason to hold Correspondence with the Pretender's Sons.**] April 27. The order being read, for the House to be

(which were laid before the House) of great defects in his ships, and neglect in sending him stores, and all other supplies. Admiral Vernon, who seconded him, reflected upon lord Winchelsea and sir J. Ackworth the surveyor:—with regard to the former, he said an old friend of his lately dead (admiral Cavendish) had told him, that no regard was paid by that noble lord to his advice, or the opinion of those who knew any thing of sea affairs, and that the only method left him of shewing his dislike to the absurd and ridiculous orders which were issued from that board, was to refuse signing them. As a worthy colleague of his (lord Baltimore) likewise did.—With regard to sir Jacob, he accused him of having altered the proportions of the ships for the worse, and building them much slighter and less serviceable than they used to be, so that they stood in need of perpetual repairs. The movers of this question told the House at the same time, that by a Committee they meant a select one.—The defenders of the Admiralty, as lord Baltimore and Dr. Lee, besides endeavouring to take off the weight of Matthews's complaints by urging that it appeared from his letters of the latest date, which were before the House, that his squadron was in a very good condition, and superior to any force which the enemies could bring against him,—said likewise that as they had no reason to be afraid of an enquiry, they were willing to come into one, provided it was made by a committee of the whole House, which was the most public and impartial method, and did not doubt but an examination of their conduct would turn out to their honour.

That the superiority of our fleet in the Channel and the Mediterranean, and the expedition with which the former had been got to sea, were strong proofs of the vigilance and activity of the present Admiralty, in what was properly their province; for the military orders came from the Secretaries of State, and for the execution of those orders the commanders who received them were answerable.—As to the protection of the trade, they could produce, if necessary, acknowledgments from all parts of the kingdom of their care in that respect. Dr. Lee complimented lord Winchelsea in a handsome manner, and spoke in all other respects with great spirit. Winnington in defence of sir Jacob Ackworth, mentioned to the House that he heard the late lord Torrington say, that his death would be a great loss to the navy, since he never remembered so able, so diligent, and honest an officer in that place.—The Opposers however insisted on their Select Committee, but from the shortness of the debate on their side, and the small number that took a part in it, I conjecture it was not a point they laid any great stress upon.—The first question went unanimously, and then it was moved, that the said Committee be a Committee of the whole House. The House divided. Ayes 225; Noes 101.

Nothing was done in pursuance of this Vote; the enquiry being dropped by common consent: one party could not have it in their own way, and the other was very indifferent whether it was entered into at all.

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

April 27. Lord Chancellor opened the Amendments to the Bill for making it Treason to correspond with the Pretender's Sons, in a very clear and masterly manner. The first was to attaint them of high treason in case they landed or attempted to land in England; the second was to suspend the operation of a clause in an act of the 8th of queen Anne, by which forfeitures of estates were to be confined to the person offending after the Pretender's death, during the lives of his two sons likewise. He shewed that go-

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put into Committee upon the Bill, intituled, "An Act to make it High Treason to hold Correspondence with the Sons of the Pretender to his majesty's crown:"

Ordered, That it be an instruction to the said Committee, "that they do receive a clause for attainting any of the Pretender's Sons of High Treason, in case they shall land, or attempt to land, in Great Britain, or any of the dominions belonging to the crown of Great Britain, or be found on board any ship or vessel with intent to land there."

The House was moved, "That the 10th section of an Act, made in the 7th year of the reign of her late majesty queen Anne, intituled, "An Act for improving the Union of the two kingdoms," relating to forfeitures for high treason, might be read."

The same was read accordingly.

And it being also moved, "That it be an instruction to the said Committee, that they do receive a clause, or clauses, to suspend and postpone the operation and effect of the said 10th section of the said Act, till after the death of the Sons of the Pretender."

The same was objected to.

And after a long debate thereupon:

The question was put, "Whether such an instruction shall be given to the Committee?" It was resolved in the affirmative.

The Debate that took place upon this occasion was as follows:*

Lord *Bathurst:*

My lords; having been so lucky, with regard to the clause I have just offered, as to meet with your lordships' approbation, it encourages me to offer you another, which I think equally necessary to be added to this Bill; but before I offer

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vernments could not be fenced with too strong securities against crimes of so heinous a nature as treason and rebellion; that it was highly reasonable to consider these young men in the same light with their father, since the eldest of them had actually asserted his title to the crown of Great Britain, which, as it was said, he claimed by virtue of a voluntary cession from the Pretender, and attempted to make it good by invading us with an armed force of foreigners; that this practice of putting the heirs of traitors into the power of the king as to the recovery of their estates, was an ancient part of the common law, and derived its origin from the old Gothic governments; it was also a part of the Roman civil law, and the reason of it was evident, that the love of their children might make parents more affectionate to their country, and deter them from disturbing the peace of it; for many men would make no scruple of hazarding their own lives in rebellious attempts, who would yet be cautious how they exposed their families to disgrace and poverty.—He said if the Pretender came, he would not think himself bound by that clause, but would proceed in the same manner which his predecessors had practised, against those who had been most active in opposing his claim; therefore it was reasonable to guard the royal family on the throne, with the same terrors which the Pretender had in his power, or else they would not stand upon an equal footing. He compared forfeitures for high treason with forfeitures for felony, and said there was the same reason for continuing the one as the other, that the law might not be inconsistent with itself; he could not look upon it (properly speaking) as punishing children for the crime of their parents, since they could never be said to have a right to what it was not in the power of the latter to dispose of at the time of their deaths; that it was in the nature of the thing absurd, that a man's land should not be forfeited as well as his money, which would still remain in the power of the crown whenever the clause of the 8th of queen Anne took place.—I will not pretend to repeat all the arguments which either he or others urged in the debate, since this whole subject is so fully discussed in a late excellent Pamphlet entitled "Considerations."

The duke of Bedford and lord Chesterfield were the chief speakers against the clause, and lord Carteret supported the Chancellor, but in a declamatory superficial way. I remember he threatened us with another invasion, and threw out a great many terrors on that head, asserting that both at Versailles and Madrid they talked of renewing it soon with a much greater force.

The Amendments to the Commons' Bill passed without any division; but it did not find so easy a passage through the other House.

* From the London Magazine, for October 1744.

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this other clause, I must explain how our laws stand at present with regard to treason, because from thence the necessity of the clause I am to offer will manifestly appear. By the laws of this country for many ages, nay, I believe, ever since we had any written and established laws, the punishment of high treason was a forfeiture of life, lands, titles, and goods: even the family was in a manner extinguished, because, the blood being corrupted, the children of the traitor could inherit nothing from their ancestors, nor be deemed so much as gentlemen, unless restored in blood. These severe punishments were of old thought necessary, to prevent the peace of the society's being disturbed, or our government's being overturned, by the ambition or resentment of our great barons; but when property came to be more generally divided, and especially after our military tenures were dissolved, we became much less exposed to these dangers, and therefore it became unnecessary to continue these severe, and I may say, hereditary punishments; I say, hereditary, because the innocent son may, in some measure, be said to inherit the punishment of the guilty father. However, during the reigns of the kings Charles and James the 2d, the government was in such danger from the republican spirit that had spread itself over the whole kingdom in the former reign, and during the usurpation which followed, that it was not thought proper to mitigate the punishment of this crime; and during the reign of king William, our government was so often threatened, and so much in danger of being disturbed by the Jacobite spirit then prevailing in several parts of the kingdom, that no mitigation could be then admitted. Even during the first five or six years of queen Anne, as our neighbouring kingdom of Scotland had not adopted the settlement made here, and seemed to have an eye towards St. Germains, it was not proper to introduce any alteration in this respect; but in the 7th year of that princess's reign, the Union of the two kingdoms being then completed, and the Protestant succession established in both, it was thought something might be attempted for securing the subject against those punishments, by which many of our best families had been ruined, and reduced from being the most noble, to be of the lowest rank of men in the kingdom, on account of one single rash step in some one of their ancestors.

Accordingly, Sir, in that year, a statute was passed, by which it was enacted, That after the decease of the Pretender, and at the end of three years after the succession of the crown, by the demise of the queen should take effect, no attainder for treason should disinherit any heir, nor prejudice the right of any person, other than the right of the offender during his natural life. From these words your lordships will see, that even at that time it was not thought proper, that this punishment should be mitigated, as long as our government should be in danger of being disturbed by the Jacobites: and as the Pretender had actually set up a claim to the crown of these realms, and had the very year before made an attempt to invade these kingdoms with a French army, in order to prosecute that claim by force of arms, therefore care was taken, that this new law should not take effect till after his decease: so careful was the parliament at that time not to do any thing that might weaken the Protestant succession, or give any hopes of success to its open or secret enemies; and now that it has been threatened by a new Pretender, I hope, your lordships will shew yourselves no less careful.

The son of that Pretender, my lords, though his father be still alive, has now set up a claim to the throne of these kingdoms; and your lordships have had sufficient proofs laid before you, that he has been received and encouraged by the French king, and that a very great armado was prepared at the most adjacent port of France, for making an invasion upon this kingdom in his favour. This vast expence, we may be convinced, the French would not have put themselves to, if they had not been well assured of being powerfully supported by the Jacobite party in England, from whence we must conclude, that though that party has for some years had wisdom enough to lie dormant, yet they are not so contemptible as their late conduct has made some people believe them to be, nor have they yet lost hopes of being one day able to overturn our present happy establishment. Like the lion who conceals himself in the brake, till the unwary traveller comes within his reach, they may for a time conceal themselves under some of our party distinctions; but though we neither see them nor hear them rustle, it is no reason for our neglecting, or throwing aside, any weapon proper for our defence; because we may

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depend on it, that they will take the first opportunity to spring upon us, and tear our happy constitution to pieces. Therefore we can never be too much upon our guard, nor ought we, during this young Pretender's life at least, to part with that in which consists our chief defence. We have now certainly the same reason to guard against him, that we had, in the year 1709, to guard against his father, and therefore the effect or operation of the law I have mentioned, ought, I think, to be suspended till after the death of the son, as well as that of the father.

This, my lords, is the intention of the clause I am now to offer, and as, I hope, it will not be opposed, I need not, I think, say any thing further in its recommendation; therefore shall conclude with reading it to your lordships as follows: "And whereas, in and by the said recited act of the 7th year of the reign of her said late majesty queen Anne, it is provided and enacted, that after the decease of the person who pretended to be prince of Wales, during the life of the late king James, and since pretends to be king of Great Britain; and at the end of the term of three years after the immediate succession to the crown, upon the demise of her said late majesty, should take effect, no attainder for treason should extend to the disheriting of any heir, nor to the prejudice of the right or title of any person or persons, other than the right or title of the offender or offenders, during his, her, or their natural lives only; and that it should and might be lawful to every person or persons, to whom the right or interest of any lands, tenements, or hereditaments, after the death of any such offender or offenders, should or might have appertained, if no such attainder had been, to enter into the same, be it further enacted by the authority aforesaid, that the said provision so made by the said last recited clause, shall not take place, nor have any operation, force, or effect whatsoever, until after the deceases, not only of the said Pretender, but also of his eldest, and all and every other son and sons."

Lord Chancellor *Hardwicke:*

My lords; when I first heard of this Bill being brought into the other House, I made no doubt of seeing such a clause in it as that we have just agreed to, and likewise such a clause as the noble lord has now proposed; and when I consider the character of the hon. gentlemen who were its patrons in the other House, and their known attachment to our present royal family, I must say, I was surprised, when I saw it brought up to your lordships without either of those clauses in it. The neglect I must impute to the hurry they were in, and not to any want of zeal for our present happy establishment. In them, therefore, it was a mere oversight, but if we should have neglected the adding of such clauses, it would have been a sign of our having very little concern for the safety of our constitution, or the security of our sovereign; and now that this clause is offered, I hope, it will not be refused; for our rejecting such a clause, after being once offered, would, in my opinion, be one of the greatest encouragements we could give to the Pretender and his adherents; because they would look upon it as a proof of the majority of this House's being become disaffected to the royal family now upon our throne.

My lords, as the law now under our consideration, was certainly, or at least will be, when it takes effect, a most beneficial law for the subject, and a most desirable regulation for securing the preservation of our great families, we must suppose, that the only motives that induced the parliament, in 1709, to delay the time of its beginning to be in force, were the Pretender's having actually set up his claim to the crown of these realms, his being patronised in that claim by the French king, and his having attempted to vindicate his claim by force of arms. These, and these alone, were their motives for suspending the effect of such a beneficial law, till after the Pretender's death; and have we not now the very same motives in every respect with regard to his son? Has not he actually set up his claim to our crown? Has not he been openly received and patronised by the French king? Has not he very lately made an attempt to invade these kingdoms? Can we then refuse to do what the parliament readily agreed to in 1709? We cannot, my lords, without shewing that we have less concern for the security of the Protestant succession than that parliament had; for if we have an equal concern, the same causes must produce the same effect.

I know, my lords, it may be said, that if any person's pretending to have a right to our crown be a good reason for suspending the effect of this salutary law, it must in all probability remain for ever suspended; because, besides the Pretender

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and his two sons, there are a great many families in Europe, who pretend to have a right anterior to the illustrious family now by great providence in possession, which pretension they found upon that ridiculous, antiquated and exploded doctrine of indefeasible hereditary right. But it is not this doctrine that makes the present Pretender and his sons formidable: it is their being looked on as Englishmen, and as the lineal representatives of our ancient royal family. If the present Pretender's family were once extinct, which, for the sake of my country, I must wish may soon happen, the other families would find but few adherents in this kingdom upon the principle of indefeasible hereditary right; it being now generally known, and expressly admitted, for no man dares expressly deny it, that the king of England, by authority of parliament, can make laws to limit and bind the crown, and the descent and government thereof. Therefore no other family's pretending a right to our crown can afford an equal good reason for suspending the effect of this law. Besides, my lords, there is a very great difference between a bare pretension, and a claim actually set up, there being always more danger to be apprehended from the latter than from the former; and if the present Pretender and his progeny were extinct, whatever pretensions other families may have, I believe, no one of them would venture to bring the resentment of the British nation upon them by setting up their claim. They have all something to lose, and, consequently, would not venture the substance for the sake of catching at the shadow; whereas the present Pretender and his family have nothing to lose; they can be brought no lower than they are, consequently they can risk nothing by setting up their claim; and as they will always have a great number of secret adherents in this kingdom, especially among the populace, for the reason I have already assigned, we shall always be in greater danger from that family than from any other. Even from that family the danger will in every generation diminish; because they will at last, perhaps the very next generation of them will be considered by our people here at home, as a foreign family, consequently they will have few or no friends in this country, and to guard against their foreign friends we shall have no occasion to suspend the effect of this law.

Thus your lordships must see, that there can be no weight in the objection I have stated: no one can determine absolutely about future events; but, in my opinion, we can have no occasion for suspending the effect of this law longer than what is proposed by the Clause now offered to you; and as by all accounts the present Pretender's life seems to be as good a life almost as that of either of his sons, I cannot think the suspension now proposed so material as to afford a reason for our giving such an encouragement to the Jacobites at home, and their friends abroad, as would necessarily result from our rejecting the clause now offered to us.

Before I sit down, my lords, I must observe, that none of the other benefits to be acquired to the subject by this act of the 7th of queen Anne, are to be in the least encroached on by the clause now before us. The clause by which it is enacted, "That after the decease of the Pretender a copy of the indictment for treason, and a list of the witnesses for proving it, and the names of the jury and their professions, and where they dwell, shall be delivered to the party indicted, in the presence of two witnesses, ten days before the trial:" this clause, I say, is not to be in the least altered, nor am I for having it altered; because, I think, there is a very great difference between terrifying men by severe punishments from being guilty, and giving the innocent all possible means to prevent their being convicted by false witnesses, or a packed jury. The former is necessary for preserving the peace of society, and protecting innocent men against the violence of villains; and the latter is as necessary for protecting innocent men against the frauds and tricks of knaves. We ought to contrive laws for terrifying those that incline to be guilty, but those laws ought to be so contrived as to prevent its being possible to make them a trap for the innocent; and as this is manifestly the nature of the clause now offered to your lordships, I hope it will be approved of: for the sake of depriving the Jacobites of all manner of hopes, and for the sake of manifesting to the world your lordships' attachment to your sovereign, I wish it may be unanimously agreed to.

The Duke of *Bedford*:

My lords; as from the circumstances of my family, and, I hope, from the whole tenor of my own conduct, I cannot be in the least suspected of any attachment to the Pretender, or of any

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want of concern for our present happy establishment; I think it incumbent upon me to be the first to rise up in opposition to the dangerous Clause now offered to your lordships, which has been introduced by a misrepresentation, I am sure, not a designed one, of our laws relating to treason, and the motives upon which they were founded. My lords, the Clause now offered to us will be so far from being a proof of our zeal for the service or security of the royal family upon our throne, that did I not know intimately the noble lord who has been pleased to offer it, were I not convinced of his affection for our present royal family, I should suspect him of being a Jacobite, and that he intended by this clause to alienate from his majesty the hearts and affections of the whole body of his people. The severe punishments of treason did not proceed from the danger of the society's being disturbed by the ambition or resentment of our great barons; but from that contest which will always be, between those that have the exercise of power, and those upon whom it is to be exercised. The former will always chuse to have the obedience of the people depend upon their fears, the latter will always chuse to have their obedience depend upon their affection. For this reason, in all absolute and tyrannical governments, their punishments, especially those inflicted upon crimes against the state, are severe and cruel; whereas in limited and free governments their punishments are mild and humane. To our misfortune, our ministers, in some of our former reigns, got the better in this contest, and got such punishments inflicted upon what the lawyers called treason, as must be allowed to be both unjust and cruel. Cruel they certainly are, so cruel that, I believe, the punishment is now seldom, if ever, inflicted according to the express words of the sentence; and it must be allowed to be unjust to punish the innocent child for the sake of a guilty father. Nay, our laws against treason go farther: they punish, as far as is within the reach of human power, even those that are dead and in their graves; for if it be a reward to a man who has deserved well of the public, as it certainly is, to ennoble his posterity as well as himself, to degrade his posterity must be looked on as a punishment upon him.

These cruel and unjust punishments have long been complained of, and frequent attempts have been made to get them altered; but, my lords, the revengeful and avaricious influence of ministers, which at first got them established, has hitherto, and, I am afraid will, for ever, prevent their being abolished. It was this, my lords, and not the danger we were in either from a republican or a Jacobitish spirit, that prevented any law being made for this purpose in the reigns of king Charles, king James, king William, and the first six years of queen Anne; and it was an extraordinary concurrence of causes that enabled us to get some little conquest over that influence in the 7th year of queen Anne. In that year, our ministers wanted to have the English laws of treason introduced into Scotland: the Scots had in the year 1690 so far got the better of their ministers and men in power, as to get a law then passed for preventing innocent childrens being punished for the crimes of their father: this valuable law the Scots who were then members of the British parliament, would not part with, and the English members who were friends to the people, took advantage of this contest, in order to get some such law introduced in England: our ministers found they could not gain their favourite point, without yielding something; but they were resolved to yield as little as possible: they agreed to the introducing this law in England, but with this Proviso, "That it should not take place till after the decease of the Pretender, and three years after the immediate succession to the crown, upon the demise of the then queen, should take effect;" which Proviso, they pretended, was necessary, because of the danger that might ensue upon the demise of the queen, and the introduction of a new family to the throne: this, I say, was their pretence; but their true reason, I am convinced, was, because they thought, if such a Proviso should be once tacked to the law contended for, it would be easy to get the Proviso enlarged from time to time, so as to prevent the law from ever taking effect; and, I wish it may not now appear, that they were not mistaken in their judgment; for, if what is now offered be agreed to, I shall despair of ever seeing this salutary law begin to take effect.

From this account of the law now under our consideration, your lordships must see, that it was a sort of compact between the two nations, and that the very clause which is now to be suspended, or rather repealed, was what chiefly induced the Scots to give up, for a time, their law

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of the year 1690. Therefore, what is now proposed may be looked on as a breach of that compact, and, consequently, as a breach of the Articles of the Union; for, by the 18th Article of the Union, it is expressly provided, "That even by the parliament of Great Britain no alteration shall be made as to laws concerning private right, except for evident utility of the subjects within Scotland." I am very sure, it cannot be said, that the suspension of their law of the year 1690, if it had been but for one day, could ever be said to be for the utility of the subjects of Scotland, consequently it must be allowed, that this Proviso was at first an encroachment upon the Articles of the Union, which the parliament of Great Britain had no right to make; and if the Scots were induced to agree or submit to a temporary suspension of the force of their law of the year 1690, in hopes that the time of that suspension would never be prolonged; from what is now proposed, they will conclude, if it should be agreed to, that they have been deluded, and that they must never expect to have that beneficial law restored to them. What their members of this or the other House may do upon this occasion, I shall not pretend to determine; but I am convinced, the Scottish nation in general will never agree to what is now proposed, especially when they consider how much they have suffered, and how many of their ancient noble families have been destroyed by the temporary suspension they submitted to in the 7th year of the late queen Anne.

When I say this, my lords, I hope no one will think that I approve of, or that I intend to justify the rebellion that broke out in Scotland soon after his late majesty's accession. No, my lords, I condemn that rebellion as much as any lord in this House. I think, those that were guilty and suffered, met with nothing but what they deserved; but why should their innocent children have been made to suffer? Why should the merit of their ancestors be forgot, their memories buried in the dust, and their families annihilated, on account of one of their posterity having been guilty of a crime against the state? Their conspiring, associating, and rising in arms against a legal and just government, was certainly rebellion and treason in the most precise and genuine sense of the words; but according to our constitution there may be associations, and even insurrections against our government, which are so far from being criminal, that they are worthy of the highest praise. When our ministers betray their trust, and in order to screen themselves from the vengeance, endeavour to overturn the constitution of their country, an association, or even a rising in arms against such a government, however it may be called or represented by the deceitful tongues of corrupt or timid lawyers, it is neither rebellion nor treason.

To this principle, my lords, we are indebted for the late happy Revolution. If the laudable endeavours of our brave and true patriots had not, by Divine Providence, been at that time crowned with success, your lordships all know, that every one concerned in inviting the prince of Orange to come over with an armed force for our relief, and every one that joined him after he landed, would have been deemed guilty of treason by our lawyers, and would certainly have been condemned as traitors by our judges.

What happened at that time, my lords, may happen again: we may again be reduced to the fatal necessity of endeavouring to vindicate our liberties by arms, and, perhaps, of inviting some foreign power to come over with an armed force to assist us. We should therefore be cautious of inflicting cruel or severe punishments upon what may be called treason by our lawyers; for however unjust, however oppressive our government may be, it will always be dangerous to rise in arms against it, the event will always be doubtful; and when noblemen and gentlemen consider, that, in case of bad success, their families as well as themselves will be destroyed, it will throw such a terror, and will be such a damp upon their spirits, that very few of them will ever think of joining in any attempt for recovering the liberties of their country. In this country it will then be the same as in all countries subject to arbitrary power. A cruel and oppressive government may be overturned by a mob, or an insurrection of the populace, supported by a mutiny in the army; but by such means it was never heard, that a free and limited government was ever restored or established.

Thus your lordships may see, that a continuation of the severe punishments upon what our lawyers call treason, may some time or other prove the ruin of our liberties, by overawing those who would otherwise take arms in their defence; for there is no man of any spirit who would not risk his own life in defence of his li-

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berty, but even a man of the bravest spirit, when he looks upon his little children, may be overawed by the thoughts of what they must suffer in case he should fail in his generous attempt.

My lords, I have more reason than most of your lordships, to consider the severity of the punishment inflicted upon treason, and the danger to which our constitution may be thereby exposed. My family has suffered, my grandfather lost his life, and his progeny their birth-right, for his opposing the designs of an arbitrary court. He suffered, it is true, and was condemned by the judges of those days, for what the lawyers still call treason; but his example may shew your lordships how easy it is for an arbitrary and tyrannical court to buckle treason upon the back of any man, that has honesty and courage enough to oppose their measures; for as soon as people had leave to declare their sentiments freely, his innocence of the only real crime laid to his charge was so generally acknowledged, that the very first session of parliament after the Revolution, his Attainder was declared null and void, and his family thereby restored, by which I have now the honour of having a seat in this august assembly: and I should think myself very little deserving of that honour, if I did not oppose every scheme for the continuance of that law, by which, if my great grandfather had not been alive, the existence of my own family as a noble family, would have been for a time suspended, and by which every noble family now in the kingdom may at last be extinguished.

This consideration, my lords, makes it very surprising to me, to see such a clause first offered by any lord of this House: but it will be still more surprising, should I see it agreed to. Your lordships have always been the most steady supporters of our happy constitution: you have always been, and may upon all occasions expect to be, the greatest sufferers by its overthrow. An arbitrary government can never be secure in this kingdom, till all the noble families are extinguished, or divested of their privileges, and made so insignificant as to become contemptible in the eyes of the people. In all countries where arbitrary power has been set up, the noble and great families became the first victims to its jealousy and suspicion: your lordships are therefore more concerned in the preservation of the liberties of your country, than any other set of men in the kingdom. How then can any minister suppose that this House will be the first to tarnish one of the most splendid triumphs, in my opinion, that ever our patrons of liberty obtained over our ministers.

In order to obtain this triumph, my lords, the patrons of liberty were, it is true, obliged to agree to a suspension of its effects for a time; but it was not because they thought that suspension just or necessary; for it can never be just to punish an innocent child, only because it happens to be the child of a guilty father. This is contrary to reason, and to the spirit of our law. It was at first introduced for the support of arbitrary power, and can never be necessary for the support of a legal and just government; for such a government can never have any thing to fear from the ambition of the wicked, because it may depend upon the assistance of all the honest and brave: whereas an arbitrary, tyrannical government, has nothing to hope for but from the ambition and avarice of the wicked, and the fears and apprehensions of the honest part of the people; therefore such governments were obliged to contrive such punishments for what they were pleased to call treason, as might at the same time enable them to terrify the honest, and to satisfy the ambition and avarice of the wicked. This was the true source of the present punishments inflicted by our laws upon treason, and these punishments being once settled, it was then the business of such governments to multiply treasons, and to extend forfeitures as far as possible. Our Edward the first put some restraint upon the latter, by the Statute of Westminster the second, which prevented the forfeiture of entailed estates: and Edward the 3d put a restraint upon the former, by the famous Statute of the 25th of his reign, by which it was determined what should for the future be deemed treason. These were two glorious reigns, and to add to the glories of queen Anne's reign, she had the honour of giving the royal assent to a statute, by which every thing was to be abolished that could be called unjust, with regard to our punishments inflicted upon treason.

The circumstances the nation was then in, my lords, gave our ministers an opportunity to propose the suspending the effect of that statute for a time: the new and extraordinary change that had been brought about but the year before, (I mean the Union between the two king-

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doms) had produced a great many malcontents in Scotland, which had encouraged our enemies to attempt an invasion in favour of the Pretender: we were at the eve of a new settlement taking place by introducing a new family to our throne: these were arguments, and especially the latter was a strong argument in the mouths of our ministers, and all such as were willing to be convinced by them; but they neither were, nor could be arguments of weight with any one who had a true regard for common justice, or for the safety of our constitution. However, as these last were afraid of losing all, they were willing to take what they found they could get; and therefore they agreed to the effect of the law being suspended for the terms desired, little imagining that any future parliament would give up, or suspend for a moment longer, the effect of such a just and beneficial law, especially after the new settlement had taken place, and our present royal family had had sufficient time to make the people sensible of the benefits they reaped from having set them upon the throne.

For this reason, my lords, I think, that the clause now offered is very far from being a compliment to our present royal family; I am convinced, his majesty will not look upon it as such; and this made me set out with saying, that if I had not the happiness of being intimately acquainted with the noble lord who made you the motion, I should have suspected him of being a rank Jacobite. If we should agree to this clause, and if it should be passed into a law, it will in my opinion be a sort of declaring to the people, that his majesty does not depend upon their affections, but upon the severity of those punishments which were at first invented for the support of arbitrary power; and, consequently, instead of being a security for our present happy establishment, it may occasion its overthrow. If the Pretender, either old or young, should land amongst us, while such an opinion prevailed among the people, he would certainly be joined by great numbers of men; and as this very law in case of his success, would be made to operate against those who took arms in defence of our present establishment, the dread of having their families destroyed might prevent many noblemen and gentlemen of fortune from appearing in defence of our government. Nay, I believe, few such would appear upon either side of the question. The armies on both sides would be composed of the lowest dregs of the people; and in that case which ever side prevailed, the victorious army would set up the most despotic sort of arbitrary power.

This, my lords, has always made me think, that we should rather run the risk of frequent civil wars, than continue those punishments, which are much more severe upon men of family and fortune, than upon the lowest class of people; because it is, I believe, impossible absolutely to prevent civil wars or insurrections in any society whatever; and the difference is, that when men of family and fortune, who have had a liberal education, and know the fatal consequences of despotic power: I say, when such men appear upon both sides in a civil war, those that happen to be upon the victorious side will always endeavour to prevent the establishment of arbitrary power, and they will have such an influence upon the victorious army as to render their endeavours successful. Whereas, when there are few or no men of family and fortune upon the lucky side, the victorious army will always invest their general or chief favourite with arbitrary power. I could illustrate this maxim from the histories of almost all nations: but I have no occasion to resort to any but our own, and even in our own history I shall confine myself to two very late passages; I mean, what happened in the reign of king Charles the first, and in that of his son James the second.

In Charles the first's time, my lords, the measures of the court were so bad and so oppressive, that, I believe, most of the noblemen and gentlemen in the kingdom would have taken arms against him long before the year 1642, if it had not been for the danger of ruining their families. This danger made them long submit to the arbitrary and illegal measures of that court, and their tame submission encouraged the court to increase their oppressions upon the people. At last the popular discontents became so general and so violent, that every one saw, it would be easy to raise an army against the government; but as the event of war is always doubtful, our noblemen and gentlemen were still afraid of ruining their families; and therefore, when an army was raised, but few of them joined it, or desired to have any command in it; so that the army against the government was composed, I may say, for the most part, of the lowest scum of the nation, notwithstanding its

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being raised by the authority of what was then called the parliament. What was the consequence? This army, that was raised in favour of liberty, at last destroyed it, and invested their general with as absolute power as was ever enjoyed by any sovereign. Whereas, if our nobility and gentry had then had nothing to risk but their lives, I am convinced, such numbers of them would have joined the Parliament's army, that it would have prevented the civil war, because the king would soon have found it impossible for him to oppose them: at least they would during the war, have got such an influence in the victorious army, as would have prevented that army's making such a compliment to their general. Nay, in such a case, I doubt, if Oliver Cromwell would ever have been any thing more than a captain, or at most the colonel of a regiment.

Now, my lords, with regard to the Revolution, it is very well known, that the prince of Orange was secretly invited over and after his landing openly joined by many of the first rank in the kingdom. As the attempts of the son were levelled against our religion as well as our liberties, and were more openly avowed than ever his father had done, his party in the nation was much less considerable than his father's, and he had this further disadvantage, that a numerous army of veteran troops under an experienced leader, was actually landed in the island against him. This gave a much greater assurance to our noblemen and gentlemen of fortune, and accordingly, a great number of them openly joined the prince of Orange soon after his landing. What was the consequence, my lords? I believe, I should not transgress much upon the character of king William, should I affirm, that he was as fond of arbitrary power as Oliver Cromwell; and considering the danger we were then in, of an immediate invasion from France, as well as from the Jacobites among our own people, especially in Scotland and Ireland, very strong reasons might have been urged for investing him with a temporary arbitrary power; but those lords and gentlemen, who had joined him, and without whom he could do nothing, took care to limit his power within narrow bounds enough, so far as related to the evils that had been actually felt; and if they had considered our constitution a little more maturely, they would probably have insisted upon proper regulations for preventing those evils which have since arisen, and which, if suffered to continue, will render useless all that was then done for the preservation of our liberties.

These two passages, my lords, yield, in my opinion, a convincing proof, that we ought not to annex such punishments to what is called treason, as must terrify our men of family and fortune from joining either side in case of a civil war; for though a civil war be a very pernicious circumstance for any society, yet your lordships will admit, I believe, that it is not so pernicious as an established despotic tyranny; and therefore it is ridiculous in any society to guard against the lesser evil by such methods as must naturally produce the greater. Ambition of itself alone can never produce a civil war: nothing but weakness or oppression in the government can produce a civil war; it is weakness in a government to suffer any single man to possess himself of so much power as may enable him to rebel against the government; and nothing but oppression can raise such a discontent and ferment among the people, as may enable a subject to rise in arms against an established government, with any view of success. Even when the the power of our barons was at its greatest height, none of them ever ventured to take arms against their sovereign, till his weak and oppressive measures had raised a general and violent discontent among the people. It is not therefore the severity of the punishment, but the wisdom and justice of the administration of government, that can prevent a civil war. If the government through weakness permit any single subject to get possession of so much power, as to give him a probable view of success in an attempt to usurp the government, he will attempt it, let the punishment of treason be what it will; if the discontents of the people be, by the oppressive measures of the government, rendered general and violent, they will at last find a leader, let the punishment of treason be never so severe. Either of these will produce a civil war: the severity of the punishment may prevent either side being joined or openly supported by any great number of men of figure and fortune, but it cannot prevent the war; and a civil war conducted by armies on both sides, or upon the victorious side, composed generally of the dregs of the people, will certainly establish an arbitrary and despotic government,

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which of all misfortunes is, in my opinion, the greatest that can befal a society.

For these reasons, I must be against receiving the Clause now offered to your lordships; and as I am firmly attached, as the world knows I have great reason to be firmly attached, to our present establishment, I thought myself obliged to be the first to oppose a clause, introduced under the specious pretence of its being necessary for the support of that establishment, though it is in reality, according to my way of thinking, the most artful, and the surest train that can be laid for blowing it up.

Lord *Ilchester*:

My lords; as I make no doubt of the noble duke's attachment to our present happy establishment, or of his zeal for supporting it, I am surprised to hear him declare so warmly against a clause which, in my opinion, must either be necessary or very harmless. If it be necessary for the support of our happy constitution, I am persuaded the noble duke, as soon as he is convinced of it, will withdraw his opposition; and if it be a clause of a very harmless nature, I think we should have so much complaisance for one another, as not to oppose a motion, which can be attended with no bad consequence. If there are no Jacobites in this kingdom, the Clause now offered to us can do no harm, because it can bring no family into any danger of being ruined; if there are but a few Jacobites, the Clause can do but a very little harm; and if there are a great many, the Clause must, I think, be absolutely necessary.

This last, my lords, I am afraid, is the case. The Jacobites have of late years made no appearance, it is true, as Jacobites, because they have had no opportunity to appear as such, and have found out another method of distressing our government, by appearing in the shape of patriots or patrons of liberty; but, I am persuaded, there are still a great number of Jacobites in every one of the three kingdoms, and, for this reason, I think this Clause absolutely necessary; for it will be impossible to keep them quiet, should they find but the least glimpse of hopes; and every one knows, they are apt enough to hope: I say, it will be impossible, in such a case, to keep them quiet, unless we keep them under the lash of those severe punishments inflicted by the laws, as they stand now, upon treason. The noble duke acknowledges, that the danger a man's family is exposed to by his being guilty of treason, is a much better pledge for his submission to the established government of his country, than any personal punishment that can be invented. In this I concur with him, and, I think, he must concur with me in opinion, that if there be a great number of Jacobites in the kingdom, our continuing the present punishments upon treason will be a much greater restraint upon them, and a much better security for our present happy establishment, against any new attempts in favour of this new Pretender, than if we were to allow the law of the 7th of queen Anne to take effect, which it will do the moment the breath is out of the body of him who now pretends a right to his majesty's crown and dignity.

Therefore, my lords, the only question now before us must be, whether we have now such a number of Jacobites amongst us, as might, in conjunction with a powerful assistance from abroad, make a new attempt in favour of the Pretender, and bring our present happy establishment once more to depend upon the doubtful event of a battle; and as to this question, I think, there is no doubt to be made of it. It is impossible to suppose, that the court of France would have thought of invading this kingdom with 14 or 15,000 men, if they had not been assured of being powerfully assisted by the Jacobites here at home. That court could not judge so ridiculously as to fancy, that they could conquer this kingdom with 15,000 men, nor could they be so foolish as to send such a number of their troops to this island, to be made prisoners of war upon their first landing, which would certainly have been the case, if they had not been immediately joined by a great number of our own people, and insurrections made in every other part of the kingdom, in order to oblige his majesty to divide his troops, and prevent his being able to send any considerable body of them against these foreign invaders. We must therefore, I think, conclude, that the court of France had a correspondence with the Jacobites here, and had assurances from them, that their troops would be joined, as soon as landed, by such numbers of our own people, or such insurrections raised against our government, as would at least give them an equal chance for victory. His majesty's not having been able hitherto to discover that correspondence, or at least not so

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clearly as to be able to convict any person, is so far from being an argument that there was no such thing, that, in my opinion, it ought to convince us of our danger's being now much greater from the Jacobites than ever it was heretofore; because the Jacobites of these days have, it seems, learned how to keep their secrets much better than their ancestors ever knew how to do; and of all plots those are the most dangerous, which are so cunningly laid, that no discovery can be made till they come to the verge of execution, no not even after the execution has been prevented by a manifest interposition of Providence, which was certainly the case with regard to the last intended invasion.

In all questions of this nature, my lords, it must be granted, that the fence ought to be equal to the danger: in 1709, the parliament thought the danger our present happy establishment was in from the Pretender, so great, that it was absolutely necessary, during his life at least, to keep up all those fences, which had been contrived by our ancestors for securing our government, and preserving the peace of the society. It is evident from what has but just happened, that our danger from the son is at least equal to that we were then in from the father, and therefore the same fences ought to be kept up. In my opinion, our danger from the son will be much greater than ever it was from the father. Of this the first copy we have had of his conduct is, I think, a convincing proof: his secrecy, his expedition, and his contrivance, seem to be much greater and better than ever his father was famed for. His journey from Rome, or, I should rather say, his escape from all those watchful eyes we must suppose he then had fixed upon him, was so well contrived, and executed with such secrecy and expedition, that we cannot, I think, be too much upon our guard, or take too many precautions against being surprised by him, and the party he must always have in this kingdom. In 1709, the parliament thought it reasonable that the severe punishments upon treason should cease as soon as the danger was over; but their suspending the effect of the law they then made, is a proof that they thought it unreasonable to make the punishments cease before the danger ceased; and as it is apparent, that our danger from the son will be as great as ever it was from the father, if we are now of the same opinion with the parliament in 1709, we must suspend the effect of that law during the life of the son, as well as they did during the life of the father. I am, my lords, of the same opinion that parliament was of: I think the punishments ought not to cease, the fences ought not to be demolished, as long as the danger continues; and when I consider what a number of great men and true patriots we had then in both Houses, I must say, I am proud of being of their opinion; in testimony whereof, I shall most heartily give my vote for the Clause now offered to your lordships.

Lord *Hervey:*

My lords; It is always with great caution and even with diffidence, that I dissent from the opinion of the learned lord upon the woolsack, especially in matters of law; but in the present case I cannot agree with him, because I think the punishments now by law inflicted upon treason, contrary both to justice and religion; and I must beg leave to say, that I look upon it as an insult upon Divine Providence to assert, that any thing is necessary for preserving the peace of society, which is in itself both irreligious and unjust.

I shall give myself no trouble, my lords, about the antiquity of those punishments, or about who were their patrons in the year 1709; but I must desire the noble lord who spoke last to remember, that those great men, whom, I suppose, he calls true patriots, were then ministers of state; and when he reflects upon this, he will, perhaps, with me, suppose, that they insisted upon the effect of that law being suspended during the Pretender's life, not as patriots but as ministers; for we have often found, that the most zealous patriots begin to think very differently, as soon as they become ministers. I have as high a veneration for the memory of those great men as any lord can have, and I have as great a regard for what appears to have been their opinion; yet, I think, they were sometimes mistaken; for it was those very great men, that, in the 4th of the same queen, procured the repeal of those clauses in the Act of Settlement, which enacted, that all resolutions of the privy council should be signed by such as advised and consented to them; and that no person who had office or place of profit under the king, or pension from the crown, should serve as member of the House of Commons. Now, I believe, there is never a real patriot in the kingdom but wishes,

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that neither of these clauses had ever been repealed; so that great men and true patriots as they were, it must be allowed, that they were sometimes mistaken. But suppose they had never in any other case been mistaken, they were certainly so when they contended that acts of injustice and irreligion were, or could at any time, be necessary for the support of our present establishment.

Such acts, my lords, can never be necessary for the support of any just and rightful government: they are the practices of the devil, and can never be necessary but for the support of an oppressive, a tyrannical, a devilish government. Such punishments can never be necessary for the support of our present establishment, which was founded upon the downfall of oppression, tyranny, and arbitrary power; and must cease to be what it now is, or ever was designed to be, if any of these should ever be introduced. Some of your lordships may, perhaps, think, that your agreeing to this clause will be a testimony of your zeal for our present establishment; but I am far from thinking so, and if I did, I should not be for giving such testimonies as may destroy the liberties of the people. Time, my lords, shall manifest my zeal for our present establishment: time shall shew my loyalty to my sovereign: time shall demonstrate my affection for his majesty. For this purpose I make no doubt of having many proper opportunities, if I live but a few years; and, therefore, if there were no injustice, if there were nothing inconsistent with religion, in what is now proposed, I should decline giving a testimony of my zeal, loyalty, or affection, by any such dangerous and precipitate compliment to the crown, as the Clause now offered to your lordships.

This, my lords, I say, I should decline doing, were there nothing in the Clause inconsistent with justice or religion; but as it is inconsistent with both, I think myself obliged to declare against it, in that manner which I think the most open and avowed. Can any one say, it is just to make an innocent heir suffer for the crime of his ancestor? Can any one say, the heir does not suffer, when he loses a peerage and an estate, which has been preserved in the family for many ages, and transmitted from father to son through many generations? Does not the heir suffer, when he, for his father's crime, is rendered incapable of succeeding to his grandfather or uncle, to whom he would otherwise have been heir at law? This of corruption of blood, my lords, is one of the most unjust and cruel conceits that ever entered into the head of a pettyfogging attorney. These punishments are therefore plainly unjust, and, I hope, the reverend bench will assist me in shewing, that they are inconsistent with religion; for we have this precept delivered to us from the highest authority, "That the father shall not suffer for the child, nor the child for the father; but every one shall bear his own iniquity."

Therefore, my lords, if the punishments now inflicted upon treason be both unjust and inconsistent with religion, can it be an argument for continuing them, to say, that the ruin a man's family must undergo, the miseries his children must suffer by his crime, will be such a restraint as may prevent his being guilty of it. Surely, my lords, this argument can have no weight with any man of common justice, much less with any man of true Christianity. Our present establishment is founded upon justice, and, I hope, upon true Christianity: I am sure, it can never stand in need of, I hope it will never seek a support but what is agreeable to both. If it ever should, it will, as I have said, cease to be what it is, and will become such an establishment as neither can deserve nor meet with a support from any true Englishman; and if the noble lord who made this motion were of my way of thinking, instead of moving such a clause as this, he would have brought in a clause for bringing the act of the 7th of queen Anne into immediate force.

This, my lords, would have been shewing a proper, and, I am convinced, a just contempt of the late intended invasion, if any such was really intended, and of that party which is called the Jacobite party in these kingdoms. I was really sorry to hear the noble lord, who spoke last, represent that party in such a formidable light, and much more sorry to hear his lordship say, that they now appeared under the mask of liberty. My lords, it is a mask they never can put on, unless our liberties be in apparent danger. If they should raise the cry of liberty, when none but they think our liberties in danger, the mask could be of no use, because every one would see through it, and discover the Jacobite face that wore it. They never can conceal themselves under such a mask, but when our liberties are generally

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thought to be in real danger, and as this may probably be the consequence of our agreeing to this Clause, the regard I have for our present happy establishment, as well as the regard I have for justice, Christianity, and your lordships' families, must determine me against it.

The Earl of *Cholmondeley:*

My lords; I have often seen the subject of debate departed from in this House, but I never saw it so much departed from, as in the question now before us. Instead of answering the arguments advanced by the noble lord who moved you the question, or by the learned lord upon the woolsack, the lords who have spoke against it, have run out in invectives against our laws in general, and, indeed, against the laws of every well-regulated society in the known world. By the whole tenour of our laws, from the beginning to this very day, the child suffers by the crime of the father; and the case is, and ever was the same, in all the countries I ever read of. It is hardly possible to contrive a punishment for the guilty father, in which his innocent child must not be a partaker. Nature has made it so; and when you go about to alter the nature of things by human institutions, you will always find yourselves disappointed. If you set a fine, a mulct, or an amerciament upon a guilty father, does not his innocent child thereby suffer? Is not the estate thereby diminished, to which the child has, by law, a right to succeed? There is, therefore, nothing in forfeitures for treason, but what proceeds from the nature of things; and, as God Almighty is the author of nature, I am sure it is not very consistent with religion, natural or revealed, to say, that there is injustice in any thing that proceeds from such an origin.

Besides, my lords, there is in forfeitures a sort of retribution which is due to society. To leave the heir to succeed to the whole estate of his traitorous ancestor, would be doing injustice to every member of society not concerned with him in his treason. By such crimes society is generally put to a very great extraordinary expence; and if the estates of the traitors or rebels are not applied towards answering that expence, or making good the expence which the public has been put to by their rebellion, it must be levied upon the estates of the innocent. Which, I pray, my lords, is the most just, or the most consonant to the rules of right reason, that the estates of the guilty should be applied towards making good the expence which the public has been put to by their crimes, or that the expence should be levied upon the estates of the innocent? This argument, I know, could not have had much weight in ancient times, when the estates of traitors were, without any controul, granted away by our kings to their favourites: but his late majesty made a precedent, which, I hope, will be followed by all his successors: he most wisely and justly surrendered to the public, his right to the estates that had been forfeited by the rebellion at the beginning of his reign, to the end that they might be applied, by this House, towards making good the expence the public had been put to by that rebellion; and as this precedent will probably be followed in all future times, I think we have the less reason to find fault with the forfeitures which are, by law, annexed to the crime of treason.

My lords, I have as great a compassion for the innocent children of forfeiting persons, as any man can, or ought to have; but as nature has instilled into mankind a natural affection for their children, and a desire to advance their condition in the world, all lawgivers have, and we must avail ourselves of this natural affection, in order to prevent the crime of treason, which, of all others, is the most heinous, because it is attended with the most direful consequences. If it were not for this, my lords, some person or other would be every day conspiring murders and assassinations, not only against the king, but against every one of his ministers and judges. As they must, by the nature of their high offices, be every day provoking the resentment and revenge of some man or other, nothing can protect them against public assaults or private assassinations, but the severity of the punishments inflicted upon such crimes; so that those punishments are necessary, not only for preventing rebellions and assassinations, which may proceed from ambition or a wrong principle, but also for preventing those rebellions and assassinations or poisonings, which may proceed from private resentment or revenge.

As I have mentioned one human affection which all governments have availed themselves of, in order to prevent treasons, I must mention another which all wise lawgivers have thought it necessary to guard against; and that is, the desire a son generally has to revenge the death of

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his father. There are few men that suffer for treason who are not supposed, by those of their party, to have been unjustly put to death. This inspires the son, who is generally of the same principle with the father, to endeavour to revenge his father's death; and, therefore, in order to put it out of his power to do so, it has been found necessary to strip him, as much as possible, of every thing he could claim, as heir to his father. If, by his future conduct and behaviour, he shews, that he is not of the same principle with his father, that he thinks his father was justly put to death, and that therefore he is resolved, instead of revenging his father's death, to do all in his power towards atoning for the injury his father did to society, he may then be restored; and our histories will shew us, that, in such cases, the son has generally been restored, as far as could be done, without doing an injury to any third person.

I hope, my lords, I have now vindicated our laws from all those invectives that have been thrown out against them, on account of the punishments inflicted upon treason. I hope, I have shewn, that those punishments are not only just but necessary, for guarding against those dangers, which all governments and supreme magistrates are exposed to, from the ambition, resentment, and revenge of the wicked, or the wrong principles of the deluded part of their people; and when any noble lord convinces me, that we shall be in less danger from the son of the Pretender, than we ever were from the Pretender himself, I promise him I shall concur in giving my negative to the Clause now under your consideration; but, till that is done, I shall remain in my present opinion; and, if I find it cannot be done, I shall agree to the making this Clause part of the Bill now before you.

Lord *Talbot*:

My lords; if I can form a right judgment of any question, I take the question now before us to be, Whether we shall continue the punishments now by law inflicted upon treason, or concur with a former parliament in having a period put to those punishments; and upon such a question, ought not we to inquire into the nature of those punishments? Can any such inquiry be a departure from the question under consideration? I am surprised to hear any lord say so. Suppose that upon such an inquiry some reflections have been thrown out upon our laws in general, or at least that branch of them which relates to the punishment of treason: if they are unjust, if they are unchristian, do they not deserve those reflections? Ought we to allow ourselves to be prevailed on by any danger, real or imaginary, to continue such laws in force? Much less ought we to revive them after they have been repealed. Surely it will not be said, that our ancestors never made an unjust or ridiculous law. But a few sessions ago, we repealed a part of our ancient law, which was both unjust and ridiculous: I mean the laws against witchcraft; which would be a crime, if there could be any such, of a more heinous nature than treason against any earthly king; because a combination with the devil, if there could be any such, would be high treason against God Almighty, who is king of kings. If ancient laws were to be had in such reverence that none of them must ever be found fault with or repealed, we should have had still in force the ancient law *de Hæretico comburendo*; and if the execution of such a law were committed to the superstitious bigots, even of our Established Church, I do not know but most of your lordships might be in danger.

Therefore, my lords, upon such a question as the present, we are not to shew any greater respect to our ancient laws than we think they deserve; and I will maintain, that neither our ancient laws against witchcraft, nor those against heretics, were so unjust in themselves as our laws against treason. By our laws against witchcraft, indeed, a crime was supposed, which, from a little more study into the nature of things, we are now convinced, never could exist; and by our laws against heresy, we made that criminal which was in itself perfectly innocent; but the punishments inflicted by both those laws fell upon none but those who were either proved, or confessed themselves to be guilty of what was laid to their charge. Whereas the punishments inflicted by our laws against treason, fall upon those that were never accused; for after you have hanged or beheaded a traitor, no forfeiture can be a punishment upon him, but upon his innocent children; which is not only contrary to natural justice, but to that revealed precept which has been mentioned by a noble lord in this debate.

Thus, my lords, the punishment now desired to be continued, being against re-

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vealed religion as well as natural justice, no apprehension of danger shall ever prevail with me to give my consent to it; and therefore, I shall give myself no trouble about inquiring, whether we may now be in as much danger from this new Pretender, as ever we were from the father: I am persuaded we never can be in any real danger from either, unless the mal-administration of our government gives rise to it. But, for God's sake, my lords, what is the danger we are now in? We have been told, it is true, of a designed invasion, and that invasion is now, I find, represented in a most terrible light; but I do not know that there was ever such a thing really designed. I am sure I have no parliamentary authority to say so. I believe, indeed, the French had a design to frighten us: thank God! they have not frightened us into a neutrality, as they did a certain electorate two years ago. But there is no proof that the French really intended to land their troops; for, surely, the Message we received upon that occasion, will not be allowed to be a sufficient proof of it. That Message was plainly a ministerial Message: in one case it has already appeared to be without foundation: It has already appeared, that if an invasion was designed, it was not in concert with any of the disaffected at home. Addresses never were more general or more unanimous, never contained more warm expressions of duty and affection to his majesty, than they did upon that occasion; and I must observe, that the proposition now before us is but a bad return to the people for the loyalty they expressed in these addresses, and for the many sums that have been, I will not say profusely, but liberally granted by parliament. It is therefore evident, that if any invasion was really designed, it was not in concert with the disaffected at home; and as the Message has in that case appeared to be without foundation, I must suspect its foundation as to the other.

It has been said, my lords, that the law we are now to suspend, and which will be, I believe, a suspension *in secula seculorum*, was the chief consideration that induced the Scots to submit themselves to our laws of treason. Whatever was in this, I must now wish, that at the same time we subjected them to our laws of treason, we had adopted one of theirs. If I have been rightly informed, leasing-making was treason by their law: that is to say, it was treason to misrepresent the king to his subjects, or the subjects to the king, in such a manner as might create diffidence in the one, or disaffection in the other. If this were now treason by our law, the advisers of that Message would, in my opinion, be in some danger; for to represent to the king, that the invasion was designed in concert with the disaffected at home, was, from what now appears, one of the most heinous sorts of leasing-making; because it could not but give his majesty a diffidence of his people; and it is now, I think, evident, that there was not the least ground for endeavouring to create in him such a diffidence. Nay, thank God! the treasonable design had not the intended effect: his majesty soon saw the groundlessness of the representation; and in his last Speech from the throne, which I am persuaded was his own, has contradicted what was asserted in the Message, relating to the invasion being designed in concert with the disaffected at home.

But, my lords, whatever was in the late invasion: whether it was really designed, or designed in concert with the disaffected at home, the danger is now over. We are now upon our guard: and the people have so generally declared their affection to his majesty, and their aversion to this new Pretender, as well as the old, that we must be convinced of our having nothing to fear from the disaffected: even the French court, if they ever intended an invasion, must now be convinced, that they were imposed on by the exiled Jacobites abroad, or by some mad enthusiasts at home, who are rather to be called distracted than disaffected. This will be a warning to that court never to trust any more to such informers or assistants; and it is very certain they can never expect any other in this kingdom, unless they should be furnished therewith by the oppressive and arbitrary measures pursued by our government. The best way, therefore, to provide against any danger we may be in from the present Pretender, or from any future Pretender, is, by popular measures, and popular laws, to rivet the affections of the people upon the royal family now in possession of our throne; for, notwithstanding the attachment I have to this royal family, and I have as much as any true Englishman can have, if any future prince of this family should encroach upon the liberties of the people, and endeavour to establish arbitrary power, I hope he will find that no laws, however severe, however cruel, however unjust, are

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sufficient to make Englishmen bow down, and tamely submit their necks to the yoke; for the honour of my country, I hope the people, or some part of them, would make some struggle for rescuing their liberties; but as such laws may contribute towards making that struggle unsuccessful, and towards fixing the yoke upon the cowardly herd, that, frightened by such laws, refused to join in the glorious attempt; therefore I shall always be against continuing them, and much more against reviving those that have been abolished, or have had a period put to their duration by the virtue and foresight of our ancestors.

My lords, I am the more zealous against continuing those severe and unjust punishments against treason, because, I think, the word itself has never been sufficiently described. Treason, according to our lawyers, may be committed against the crown, but no treason can be committed against the people. The people, in defending their liberties against the crown, may be guilty of what is by law called treason; and yet the crown, by which I mean the ministers of the crown, are not by law deemed guilty of treason, even when they attack the liberties of the people in the most open and profligate manner. Therefore, as your lordships have now the laws of treason under your consideration, I hope, you will make the danger equal on both sides: I hope you will pass a law for declaring it to be treason in ministers, to combine and contrive any methods for governing without a parliament; or to apply the power or money of the crown towards corrupting any member of parliament, or any voter at an election. Such laws as these, and a due enquiry into the conduct of ministers or officers, when loudly called for by the people, would more effectually secure us against the Pretender, than the most severe punishments you can inflict upon treason. Nay, I am persuaded, we should not have been in any danger of an invasion, or at least we should have despised it, if a proper enquiry had been made into a late minister's conduct. It was the disappointment the people then met with, that encouraged both the French and the Jacobites to meditate an invasion of this island; and though that enquiry now seems to be over, yet I hope to see it again set on foot. If it were twenty years hence, and the minister should live so long, I should be for reviving it; because from thence would appear, how we have been led into our present situation, which every man must acknowledge to be unfortunate, but from which no man can tell how, or whether we shall ever be able to recover.

I hope, my lords, I have given sufficient reasons for my being against the Clause now under your consideration. If it had been originally brought into the Bill, I should have been against it; but were I convinced of its being necessary to suspend the effect of the law of the 7th of queen Anne, I should be against its being done in this abrupt and irregular manner. It is an affair of so high importance, that it deserves the most mature consideration of parliament; whereas, by the method now proposed, you are not to allow it near so much consideration as is always allowed to a turnpike bill. Therefore, if your lordships are resolved to suspend, for a new term, the effect of that law, which on both sides is allowed to be of great benefit as well as importance to the subject, I hope, you will let it pass through the usual forms, which you may do by rejecting the Bill now before you, and ordering in a new Bill with this Clause in the body of it. This, I hope, you will do for decency's sake, that you may not seem to have an excessive concern for the security of the crown, but not the least concern for the security of the subject.

Before I have done, my lords, I must beg leave to take notice of the arguments made use of by the noble lord who spoke last in favour of this Clause. His lordship said, that as the public is always put to a great expence by treasons and rebellions, it is more reasonable to have that expence made good, out of the estates of the traitors, than out of the pockets of the innocent. If his lordship had concluded his speech with a clause for appropriating the estates of all future traitors to this purpose, there would have been a great deal more weight in his argument; for the example of the late king is no way binding upon his successors; and though he was so good as to give the forfeited estates to the public, yet his ministers took care to manage it so as to let the public reap very little benefit from that generous donation; for by establishing a new commission and a great number of new offices, which they took care to give to their friends, the salaries of those commissioners and officers ran away with a great part of the profits. This argument can therefore derive very little force from past experience, and

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much less from future expectation; but if it did, it is not proper or just. As treason is death by law, and as the estates of dead men devolve to their heirs, the estate does not belong to the traitor but to his heirs, who are as innocent as any of the rest of the people, and therefore ought not to be made to contribute any more than their share towards the public expence occasioned by the rebellion. Besides, there are many treasons which occasion little or no expence to the public; and I should be glad to know, how the forfeiture of a peerage can be made to contribute towards the public expence, or why a son should be disabled from succeeding to the estate of his grandfather or other ancestor, which never belonged to his guilty father; for as such an estate is not forfeited to the crown, but goes to the next heir after the son of the traitor, it cannot be applied towards making good the public expence occasioned by the father's treason.

The other argument mentioned by the noble lord, can be no good reason for thus disabling the innocent children. His lordship was pleased to say, that the children are generally bred up in the same principles with the father, and consequently inclined by nature to resent and revenge, if in their power, the death of the father, which, from their being of the same principle, they must think unjust; therefore, as they are supposed to be rebels in their hearts, the society has good reason to put it out of their power to rebel. My lords, can a supposition or conceit be ever pleaded as a good reason for doing an act of injustice? The grandson has a right, after the death of his father, to succeed to the estate of his grandfather, and if he has not forfeited that right by any crime of his own, it is an act of injustice to take it from him. Besides, the very supposition proceeds from the injustice of our laws. If the sons of rebels have generally adopted their father's principles, and have been ready to concur in the same sort of crimes, it is because they find themselves deprived of those dignities, rights, and possessions, to which they have a natural right, and to which they cannot expect to be restored, but by succeeding in such an attempt as their unfortunate father had failed in. This makes them ready to embark in any design of the same sort; whereas, were they in possession of all those rights, dignities, and possessions, their father's unlucky fate would be a warning to them not to run the same risk.

I have said, my lords, that the only way by which the son or grandson of a forfeiting person can expect to be restored to the dignities and possessions of his father or grandfather, is by succeeding in such an attempt as his ancestor had failed in; and with regard to traitors or rebels against the crown, I say it from what I may call uninterrupted experience: in our whole history, I believe, we cannot find one example, where the son or grandson of such a forfeiting person was restored, unless when upon some revolution of government that party came into power, by whom the treason of the father or grandfather had been countenanced, and secretly approved of. In cases, indeed, where ministers and their tools have been condemned, and their estates confiscated, by parliament, we often find their sons, and sometimes themselves, restored to all their dignities and estates; for care has generally been taken not to let any family suffer for what is usually, though very improperly, called serving the crown; but many a family has been ruined for what has been afterwards acknowledged to be serving the people.

Therefore, my lords, if from our histories it appeared to be unexceptionably true, which is far from being the case, that the children of a forfeiting person are bred up in the same principles, and governed by the same inclinations with the father, it could not be assigned as a good reason for continuing those punishments upon treason, that are in time to be abolished by the 7th of queen Anne; because the childrens having an inclination to rebellion is the effect and not the cause of those punishments. If I should without any cause cut a man's hands off, it would be very natural for me to suppose that man to be my enemy; but what a ridiculous way of arguing would it be in me to assign this supposition as a good reason for my having cut off the hands of a man who had never before done me any injury? Surely, your lordships cannot be in the least swayed by such an argument; and as this is the chief argument I have yet heard in favour of this Clause, I must therefore be of opinion, that it ought not to meet with any countenance in this august assembly.

Lord *Carteret*:

My lords; I shall not give myself much trouble, nor take up much of your lordships' time, in refuting the arguments drawn from natural justice or religion

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against the punishment of forfeiture for treason, for if we should admit them to be of any weight, we must condemn the practice of all ages, and of all countries, whether Christian, Pagan, or Mahometan. When a man is possessed of an estate in fee simple, it is absolutely his own; he may alienate it by his deed: he may dispose of it by his will: by either he may deprive his children of it. Why then should he not be made to forfeit it by his crime? His children have no right to it till after his death; and consequently the forfeiture cannot be a punishment upon them, nor can it be said to be an injustice done to them, any more than it can be said to be an injustice done to the children, when the father alienates his estate in his life time, or devises it to strangers by his will. By our laws, even as they now stand, no man can forfeit any greater estate than he has in his lands: when he has an estate for life only, his children, or those in remainder or reversion, have then a right inherent in them, even before the death of the father or tenant for life; and therefore he forfeits only the possession during his life. But when a man has a fee simple in his lands, his children have not during his life any shadow of right inherent in them, and therefore no right can be taken away from them by the forfeiture of the father.

Neither justice nor religion have, therefore, any thing to do, my lords, in the present question: it is merely a political question, and the sole consideration is, what is most safe or convenient for the society. Upon this footing I shall take it up, and upon this footing I hope to be able to shew, that society cannot be safe without your lordships agreeing to the Clause now offered to you. How the Message sent some time ago by his majesty to your lordships can be called a ministerial message, I cannot conceive: it was delivered to your lordships by express orders from his majesty; it was signed with his majesty's own hand; and, consequently, must be called his majesty's message, if any message can ever be called so. It was not only his majesty's message, but it was true in every particular. The French certainly designed to invade us, and were as much in earnest as that court ever was: that design was laid in concert with Jacobites here at home. His majesty had certain proof of that concert: even I myself have seen letters from the Pretender, and in his own hand-writing; but the administration were in the right not to prosecute with severity, or to expose all they knew. It is best to let such things sink of themselves, when there is a probability of their doing so; for I shall always be for letting even the guilty escape, when it can be done with safety to the public. Surely, the prudence, or the lenity of the government upon such occasions is not to be brought as an argument, that there never was any such design actually on foot.

My lords, I am so certain of such a design having been set on foot, that, I am afraid, it is not yet laid aside. According to all our public accounts, the French did make an attempt, they actually embarked their troops, and if their Brest squadron had met with a fair wind, the embarkation at Dunkirk would probably have been made, and the fleet sailed, before that storm happened which dispersed them. Notwithstanding their providential disappointment at that time, they keep still at the same port a body of troops, and all other things necessary for an invasion; and they may very probably make a second attempt before the end of this summer. I judge so, my lords, not only from private accounts, but from its being their interest to do so: a body of 15,000 men landed in this island, with the Pretender, or one of his sons at their head, would be of infinite service to the French at this critical conjuncture. Such a body, I shall admit, could not conquer this island; but with the assistance of the Jacobites, they would certainly involve us in a civil war: in the mean time the French might be able to subdue Europe, or at least to bring all the potentates thereof under the direction of their court, and then they could reinforce their troops in this island with what numbers they pleased, so that we ourselves should at last be obliged to submit, and forced to receive a religion, as well as a king, from the court of France.

I hope, my lords, the disaffected in this island are not near so numerous as they are represented to the French court, by the avowed Jacobites abroad, or the concealed ones at home; but they are certainly much more numerous than I could wish, and more numerous than some lords seem to believe. The Addresses lately sent up, or the warm expressions contained in them, are far from being a proof to the contrary. Our histories must inform us what little dependence is to be had upon Addresses; and many of those lately sent up were, I believe, nothing less than sincere. The

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warmest expressions in such Addresses are so far from being certain signs of loyalty, that they are often made use of as a cloak for disaffection and sedition.

Therefore, I hope, your lordships will not, from the number of those Addresses, or from the warm expressions of affection and loyalty that may be contained in them: I say, I hope, you will not from thence conclude that we have no disaffected party in the kingdom, or that the government can be in little or no danger from that party. These, my lords, are blessings we cannot expect, as long as the Pretender or either of his sons remains alive; and consequently we ought not to part with any law or custom that may tend to secure our government against that danger, as long as it subsists. If the parliament in 1709 had foreseen or imagined, that the Pretender would have married and had children, they would certainly have suspended the effect of that law during the life of any child he might have, as well as during his own: for they could not but suppose, that our danger from the son would be at least equal to what it ever was from the father; and since they thought it necessary to suspend the effect of their law during the life of the father, they would certainly have thought it as necessary to suspend it during the life of the son, had they imagined that he could have had one or more sons born in lawful wedlock. But they could not imagine any such thing; for no man then supposed, that the Pretender could have matched himself to the daughter of any sovereign prince in Europe; and it was supposed, that the high dignity he pretended to, would have prevented his matching himself with any other.

Things have happened contrary to the expectation of that parliament. The Pretender not only got a wife, but has got two sons now grown up to man's estate, and the eldest of them has already threatened this kingdom with an invasion. In these circumstances, if we are of the same opinion with the parliament in 1709, we must agree to the suspension now proposed, for the same reason they agreed to the suspension then proposed. Our government cannot be secure, the tranquillity of the kingdom cannot be effectually preserved, without it; for the Jacobites would be continually hatching rebellions and insurrections, if they had nothing but death to fear from doing so. The noble duke who spoke against the Clause has, in my opinion, furnished us with an unanswerable argument in its favour, He said, and I heartily join with him in opinion, that the destruction of one's family is a terror that will have such an effect even upon the bravest of men, as to prevent their rising in arms against the government of their country. I grant, it is a terror that may have such an effect, and I am for keeping this terror hanging over the heads of the Jacobites, as long as there are any such in the kingdom, in order to prevent their disturbing their country with their plots, conspiracies and rebellions.

If the Pretender's son, after his death, should make an attempt to overturn our government, and should land with an armed force for that purpose, let us consider, my lords, what a condition our established government would be in, should the 7th of queen Anne have then begun to take effect. Those who joined him would then risk nothing but their lives: should he fail in his attempt, their families and estates would be secured by the 7th of queen Anne. But on the other hand, those that joined in the support of our established government, would risk their estates as well as their lives: their very families would be exterminated, in case he should succeed in his attempt; for he would not think himself bound by the 7th of queen Anne, nor by any law made since the Revolution: consequently, all who joined against him would be deemed traitors, and would be punished according to the laws as they stood at that time. Is this equal, my lords? Would the supporters of the government be upon an equal footing with their adversaries? Surely, none of your lordships will say so; and yet, I hope, every one of your lordships will grant, that they ought to be put, at least, upon an equal footing. We ought, surely, to make the terror of joining the Pretender, equal to that of joining in support of our established government; and as a promise of pardon has often, in such cases, a good effect, by inducing men to desert a cause they have been rashly led into, we ought to make our lawful sovereign's promise of pardon as effectual as that of the Pretender to his crown and dignity; but this it could not be, should the 7th of queen Anne once begin to take effect; because the danger of refusing to accept of the king's pardon, would not then be so great as the danger of refusing to accept of the Pretender's.

As for my own part, my lords, I expect no favour or mercy from the present or

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any succeeding Pretender: I am sure, I should not accept of it, were it in his power to offer it, on condition of deserting my lawful sovereign: therefore, with regard to myself, I am very easy about the effect of any promise of a pardon from the Pretender; but as to others, I think, that in common justice, and in duty to our sovereign, we should order it so, that his offer of a pardon may have as great an effect upon those that have joined the Pretender, as such an offer from the Pretender can ever be supposed to have upon those that have joined our established government. If the 7th of queen Anne should once begin to take effect, and the Pretender should land with an armed force in this kingdom, I confess, I should be under the most terrible apprehensions, should I see a general pardon published by him with this proviso, that none should be intitled to it but such as repaired to his army, or took arms in his favour. I should be afraid, the difference of the risk would in spite of principle prevail with many of our noblemen and gentlemen of fortune to join him. By joining him they would then risk nothing but their lives, and would absolutely secure their families and estates; whereas by not joining him they would risk not only their lives, but their families and estates; for every man that has bore any commission or office under the government since the Revolution, might, by the laws, as they stood at that time, be tried and condemned as a traitor, and by that condemnation, they would, according to the laws then in force, forfeit not only their lives, but their titles, dignities, and estates. The risk of joining him would, in this case, be so small, and the danger of not joining him so great, at least to all those who have served the present government, that fear might perhaps draw more to his standard than ever could have been drawn by affection.

I am therefore surprised how any lord can suppose, that our agreeing to this Clause can prevent the government's being joined, in case of an invasion, by men of figure and fortune. By agreeing to this Clause we do not in the least increase their danger; but by not agreeing to it, the danger of joining the other side will become so small, that men of figure and fortune, who are governed by prudence alone, must chuse to join in overturning our established government, rather than in supporting it. This, I think, I have made evident, and, therefore, I hope, your lordships will unanimously agree to the Clause now under your consideration.

The Earl of *Chesterfield*:

My lords; upon the Clause now offered to us, these several questions must arise, and ought to be thoroughly discussed, before we can agree to it: whether we have any present cause for passing such a law: whether we have a just apprehension of any future danger, against which we may provide by passing such a law: whether, if we had both, it would be just and agreeable to our constitution to pass such a law: and whether if it were, this would be a proper and parliamentary method of passing a law, which is of such importance to every great family in particular, and to the liberties of the people in general?

As to the first question, my lords, it seems to be founded entirely upon the truth of what has been said of the late intended invasion having been concerted with the Jacobites here at home; and though this was roundly and expressly affirmed in the Message which was called his majesty's, yet as I think the noble lord was in the right who called it a ministerial message, I therefore think myself at liberty not to put an implicit faith in what was there affirmed; and as a member of this House I have a right to declare I do not. The noble lord who spoke last, was pleased to tell us, that the message was signed by his majesty, and delivered to us by his express order, and that therefore it was to be called the king's message, if any message could be called so. My lords, both these qualities are inherent in every message, and therefore, if from them we were to denominate a message royal or ministerial, no message could ever be called ministerial. But this is not what distinguishes a royal from a ministerial message. By the nature of our constitution, and the custom of parliament, every thing that is right is to be supposed to come from the king, and every thing that is wrong is to be supposed to come from his ministers. It is from thence we are to distinguish between what is royal and what is ministerial: if there be any thing wrong in the king's speech, though we heard it delivered from his own mouth, it is not the king's but the minister's: and upon the same principle, if there be any thing false or wrong in the king's message, though it be signed by him, and delivered to us by his express order, the message is not royal but ministerial.

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After having thus explained the proper distinction between a royal and a ministerial message, I may take the liberty to say, that I have not seen, nor do I believe there was sufficient authority for asserting so roundly and generally, that the preparations for an invasion were made, in concert with disaffected persons here. That there are some such persons in this kingdom, I know, because we have still, I think, amongst us, some of that enthusiastical and contemptible sect, called Nonjurors; and some of them, I believe, would be mad enough to enter into a concert with the French ministers; but they are such low creatures, and so apt to tattle, that I am fully convinced, no French minister will ever enter into any concert with them: as for the Roman Catholics, they have for some years seemed to be as good subjects as any his majesty has, and they are in the right; for they live with more ease and less disturbance under our psesent royal family, than they could expect to do under the other; and, I believe, they are now pretty much cured of their vain hopes of being able to re-establish their religion here, even in case the other family should get possession of the throne, which, I hope, they never will.

The presumptions therefore, my lords, are so strong against the truth of this part of the message, that however prudent it may be in our wise ministers not to expose all they know, and surely they know a great deal, yet, I think, with all deference to their wisdom, that they ought, and if they could, I believe they would, have shewn us some proofs for justifying an expression that contains so high, and so indiscriminate a reflection upon the people. The noble lord may have seen some of the Pretender's Letters; for the best subject his majesty has cannot prevent the Pretender's writing to him; but if those Letter's had contained the least proof of any late concert for an invasion, I am persuaded they would have been seen by others as well as that noble lord; and perhaps, would have been printed with curious Notes and Remarks, as was of late years done with the famous Letter from Belloni, the Pretender's banker at Rome.*

In short, my lords, if the French really intended to invade us, I believe they were misinformed by the Jacobites abroad, and from that misinformation believed, that the discontents, so general and apparent among the people, proceeded from disaffection, which made them resolve upon an invasion without a concert with any set of people here. This, I say, was their belief, and this belief would have been authenticated by this ministerial message, and the measures taken in consequence of it, if the people had not taken care to undeceive them. Therefore, if the French still indulge themselves in this groundless belief, and still entertain their project for invading us, it is entirely owing to the conduct of our ministers; but the people have so generally, so unanimously, and so warmly expressed their loyalty and affection in their addresses to his majesty upon that occasion, that, whatever our ministers may be, I hope the French are convinced, that however much we may think ourselves aggrieved by the measures of our administration at home, we will never fly to the Pretender for redress; and this I am so much convinced of, that I am persuaded, most of those addresses were sincere. When the noble lord was endeavouring to extenuate the credit that was to be given to those addresses, one would have thought, he was describing the people of some little Italian state: no one could have thought he intended to describe the people of England, who have always shewed themselves to be a generous, free, open-hearted people. They have never been, and, I hope, never will be accustomed to those deceitful arts, and dastardly dissimulation, that become habitual to a people who have been long held in bondage; and therefore, I think, it is reasonable to suppose, that most of those Addresses contained the genuine sentiments of those that subscribed them.

From all which, my lords, I think we have many reasons to conclude, that if the French really designed to invade us, it was without a concert with any set of people here at home: and, I hope it will not be said, that this Clause, if passed into a law, could contribute in the least towards guarding against the danger of our being invaded by foreigners, in conjunction with the exiled Jacobites abroad. But now, my lords, let me suppose, that this ministerial message was true in every particular: that the preparations for an invasion were made in concert with the Jacobites here; and that the Jacobites here at home are a numerous and formidable body of men. Yet, after all these suppositions, no present cause can be assigned for offering to your

* See Vol. 8, p. 1164.

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lordships, at this time, much less for passing such a clause as this now before you. The act of the 7th of queen Anne is not to begin to take effect till after the death of the Pretender. He is by all accounts a good life, almost as good as any one would chuse for an annuity. He is by common report a healthful, strong man, and now, I think, about the age of 55. He may, very probably, live this 20, perhaps these 30 years. What occasion then can we have for this Clause at this time? Its being brought in at this time, seems to me to be designed only as a compliment to the crown; but if I were in a humour of making compliments, surely I should never think of a compliment from whence the crown could reap no benefit for 30 years to come.

It is therefore impossible, my lords, to assign a present cause for our passing this Clause into a law. From apparent circumstances it is hardly possible to assign a reason for its being offered. The reason is, indeed, something mysterious, but if we enquire a little into the history of the Bill now before us; we may be able to unfold the mystery. The Bill, my lords, was brought into the other House by some gentlemen who are no great friends to our ministers, and who, I think, might as well have let it alone: as the Bill is itself a compliment to the crown, our ministers were perhaps afraid, that those gentlemen might claim some merit from their being the authors and promoters of such a compliment; and as all ministers are extremely jealous of every thing that but seems to aim at the closet, they resolved, in order to take those gentlemen's merit from them, to have something added by way of amendment in this House, that might induce the authors and promoters of the Bill in the other, to oppose it when it came there again for their approbation of our amendments. This, my lords, is the secret, and thus by a contest between those that are ministers, and those that would be ministers, we are like to lose the benefit, I believe, for ever, of one of the best laws that was ever obtained by parliament from the crown. But however careful our ministers may be to prevent others from opening to themselves a way to the closet, however complaisant our ministers may be to the crown, I hope your lordships will not be so complaisant to them, as without any immediate cause, to agree to a clause of such dangerous consequence to every one of your families; and, I think, there can be nothing more evident, than that we have no immediate cause for passing this Clause into a law.

My next question was, my lords, Whether we have a just apprehension of any future danger, which may be provided against by passing this Clause into a law. Upon this question, my lords, two others must naturally arise, Whether we can ever be in any real danger from the Pretender, or any of his family; and whether this be a necessary, or even a proper method for providing against that danger. As to the first of these two questions, our ministers may exaggerate the danger as much as they please, and, I believe, they will always exaggerate it as much as they can; but as long as our present royal family takes care to govern by law, and to pursue popular measures, I am fully convinced, that we can never be in danger from any Pretender whatsoever; for the ridiculous doctrine of divine hereditary right is now so universally exploded and laughed at among the people of this nation, that I do not believe the Pretender could, upon that principle, find five hundred followers in the kingdom; and as long as the people are satisfied with our present government, he could find followers upon no other principle whatever. Indeed, if any future king of our present royal family should begin to encroach upon the liberties of the people, and the Pretender, or any one of his posterity, should deviate so far from the maxims of his family, as to declare for public liberty, and should prevail so far upon the people as to make them believe him sincere, he might then find followers upon a very different principle, a principle which, I hope, will always be the prevailing principle among the people of this kingdom; for, I hope, they will never allow themselves to be made slaves by any king or family whatsoever. But to constitute this danger, there are so many improbabilities to concur, that I must look upon the apprehension of it as altogether chimerical.

However, my lords, in order to examine the other question, I shall suppose, that we may hereafter be in danger from the Pretender, his son, or grandson. Is the passing of such a law as this necessary or proper for preventing that danger? Upon this head, I must differ a little from a noble duke who has spoken upon the same side of the question, or at least I must distinguish, in order to prevent that advantage which has been taken of it by the

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noble lord who spoke last. There are two sorts of men, my lords, that may be guilty of treason: men of honour and conscience; or men of no honour or conscience, but such as are governed entirely by their unruly and wicked passions. As to these last, can we suppose, that a man, who allows himself to be so led away by his ambition or revenge, as to involve his native country in blood and confusion, will have any regard to his family, his wife or children? Such men regard nothing but their domineering passion, and sacrifice every thing to its satisfaction: therefore the continuance of these unjust punishments can have no effect against them. Then as to men of honour and conscience, they are either mad enthusiasts, who are generally governed by some wrong principle, or reasonable, considerate men, who are always governed by a right principle. Of the former sort I reckon the few Jacobites that still remain amongst us; and as to them, the law has already treated them as all madmen ought to be treated; it has taken all offensive weapons out of their hands. There is no other way for preventing their doing mischief but by locking them up, and this we generally enable the government to do, by suspending the Habeas Corpus, upon the least prospect of danger. It is well known that the severest, the most cruel punishments, can have no effect against enthusiasm: they propagate the madness instead of putting a stop to it; and therefore, by this Clause we may increase, but cannot prevent or diminish the danger we have to apprehend from Jacobitism.

Now, my lords, as to reasonable, considerate men, it is very certain they will never think of rising in arms against an established government, but when their duty to their country obliges them, and the nature of our constitution makes it lawful for them to do so. If any future prince of our present royal family should overturn our constitution and set up to govern without any parliament, or by means of a packed, corrupt parliament, and a standing mercenary army, it would be the duty of every man in the kingdom to take arms against the ministers that advised, and the mercenary tools that supported such measures: by the nature of our constitution it would *in foro conscientiæ* be lawful to do so, and yet *in foro juridico* it would be high treason to do so. If not successful, to the greater misfortune of their country than of themselves, they would, or at least might all be condemned or attainted as traitors. Against such men, and for the support of such a government, I shall grant, that this Clause would have a very considerable effect; for reasonable, considerate men will always have a great regard for their families, their wives and children; and unless they have a very high degree of public spirit, and even something of an enthusiastical turn, the ruin and misery their families, wives, and children may be brought into, will be an effectual restraint upon their actions, and prevent their joining with those, who may attempt to rescue their country from slavery and arbitrary power; but I leave it to your lordships to consider, whether we ought to provide for any such restraint, and what we ought to think of those who advise us to do so.

I was extremely surprised, my lords, to hear the noble lord argue for our putting our present royal family upon an equal footing with that family, which now pretends a right to our crown, by making the legal terrors equal upon both sides. My lords, the Pretender has no legal terrors: on his side all must be violence: he can ascend the throne by nothing else; and after he has ascended the throne, I believe that violence would be continued. What he had got by violence he would hold by violence; against which we cannot provide by any law we can make. If we suppose, that the present, or any future Pretender would, in case of success, admit himself to be bound by any laws before or since the Revolution, the present royal family are upon a much better footing, with regard to legal terrors; because, by our law, long before the Revolution, no man can be adjudged guilty of treason for serving faithfully the king in possession. But, I believe, it is generally, and, I think, rightly supposed, that if the Pretender should ever get into possession, he would set himself above all law, and claim a most absolute and arbitrary power. Will then any lord say, that we ought to render our present family absolute, or make such laws as may put it in their power to render themselves absolute, in order to put them upon an equal footing with the family that lays claim to our crown? Ministers, my lords, may think there is some weight in this argument, but, I hope, your lordships will never be so far biassed by it, as to establish arbitrary power in one family, for the sake of preventing its being established in another. I do not think, that any minister who has a greater regard for the se-

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curity of our present royal family, than he has for the extension of his own power, will ever attempt to persuade your lordships to do so; for, in my opinion, the only chance the Pretender's family can ever have for ascending the throne of these kingdoms, must arise from some prince of our present royal family attempting to establish himself in arbitrary power. If slavery must be our lot, I am very apt to think, that the people of England would, out of mere spite, chuse to be slaves to the other family, rather than to a family, that, under the mask of liberty, had betrayed them into slavery; and as I have shewn, that the continuance of those punishments intended to be taken away by the 7th of queen Anne, can be of no effect for guarding against any danger, but that which a prince aiming at arbitrary power may be in, from the reasonable and considerate part of his subjects, therefore, in order to guard against the Pretender, they ought to be taken away; because their being continued may encourage some future prince of our present royal family to aim at arbitrary power, and thereby make way for the Pretender or some of his posterity.

If I had been in the parliament of 1709, I should have been, I believe, for suspending the effect of that law, till three years after the accession of our present royal family; but I should have been for shewing such a contempt for the Pretender, as not to have had his name mentioned in the act, or the suspension continued for any time on his account; and, I find, I should have had one reverend prelate of the same sentiments with me, though, I doubt, if I can hope for the same pleasure upon the present occasion. The late bishop Burnet, I find from his own History, declared, upon this occasion, that he was against making children suffer for the crime of the father; ahd he continued to think himself so right in this opinion, that when he wrote his History, he seems to glory in being singular in this opinion. Its not being supported did not I am persuaded, proceed from hence, that no other lords were of the same opinion, but from this, that other lords, who were of the same opinion, saw the spirit of the House against it, and would not therefore give themselves the trouble to support an opinion, which they saw would not prevail. However, as that learned prelate was at first against making children suffer for the crime of the father, and had openly declared his opinion, he would certainly have seconded me in opposing the proviso; for as to the history of that Bill, I must observe, that it was first brought into this House; that the clause for preventing an heir's suffering by the crime of his ancestor, was added by way of amendment in the other House, very probably to make it a little more palatable to the people of Scotland; that the Proviso for suspending the effect of that clause during the Pretender's life, was afterwards added in this House, by way of amendment to that amendment; and that the proviso for suspending the effect of that clause till three years after the accession of our present royal family, was at last added in the other House, and agreed to by this; so that the Bill went twice to the Commons, and was as often returned hither for concurrence before it was passed into a law; and as it was unanimously opposed by the Scotch members in both Houses, it is highly probable, that the clause for securing heirs, was added by the other House, upon a representation from the Scotch members of that House, that without such a clause it would probably cause a general insurrection in that kingdom.

My lords, when the Bill was so often in both Houses, and every part of it so long debated, is it possible to suppose, that they did not foresee that the Pretender might marry and have sons? It was never insinuated that he had any natural defect; and no gentleman in Europe had ever greater reason to look out for a wife to gain either a support or a subsistence. It is so much the interest of France to support and preserve that family, in order to make use of them upon occasion for embroiling this country, or for gaining some end from the royal family now upon our throne; that the parliament could not but foresee, that the court of France would certainly procure a wife for the Pretender. Therefore, their limiting their proviso to the life of the then and present Pretender, could proceed from nothing but either a by-view to enable some future minister to render the clause then added by the Commons altogether ineffectual; or from a conviction, that it was absolutely unnecessary to extend the proviso to any son or sons of the then, and present Pretender.

I hope, I have given your lordships some satisfaction as to the two questions I have now discussed, and therefore I shall proceed to the third. Suppose we had an immediate cause for passing this Clause

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into a law, suppose we had a just apprehension of some future danger, against which this might be a proper provision, would it be just, would it be agreeable to our constitution to continue those punishments for a longer term than that limited by the 7th of queen Anne? I am surprised to hear any lord say, that the child does not suffer, or that the child's right is not taken away by the forfeiture of his father. The possessor of a fee simple has, it is true, by law a liberty to alienate his estate by deed, or to grant it away from his children by will. This must be allowed by the laws of society for the sake of commerce, for the sake of enabling a man to improve his estate, and for the sake of keeping children in due obedience to their father. But will any one say, that a man who squanders his estate, does no injury to his children? Will any one say, that a man, who, by his will, grants away his estate from his children, without leaving them a competency, and without any demerit in them, does no injury to his children? My lords, with respect to those estates that are transmitted to us from our ancestors, it is a manifest piece of injustice to our children, to squander them, or to grant them away to strangers, unless our children have done something to deserve being disinherited. Even as to an estate acquired by a man's industry, he ought not to squander it, or to grant it away from innocent children. A man is obliged to provide, in the best manner he is able, for his children: he is worse than an infidel, that does not provide for his family; and if Providence has blessed a man's industry so as to enable him to provide for his children, he must be still worse, if he afterwards squanders that provision or grants it away to strangers. The child has a natural right to what his father acquires: he has a family right, as well as a natural right, to the estate transmitted to his father by his ancestors: and to take that right from him, on account of any crime committed by the father, is a flagrant piece of injustice, let it be done by whom it will, or upon what pretence it will. To take the estate away from an innocent heir, is, in many cases, cruel, as well as unjust. It is cruel to take subsistence away from an innocent babe at the breast; and to turn both mother and child out of doors may be the practice of tyrannical, arbitrary governments, but ought never to be admitted in a humane government, or free country.

In the commonwealth of Rome, my lords, or at least as long as the true spirit of liberty prevailed among that people, there was no such custom as punishing innocent children for the crime of the father. This custom was established under their absolute and tyrannical emperors. By parasite priests and ministers they were made believe they were Gods, and that therefore they might visit the sins of the fathers upon the children unto the third and fourth generation. They set up what they called a fisk, which was made the repository of all mulcts, fines and forfeitures, from whence they were called confiscations. This revengeful spirit of punishing children for the crimes of their father, became at last so extravagant, that they were often put to death; and therefore the emperors Arcadius and Honorius, out of their great moderation, declared, they would not put the children to death for the father's crime, but they would reduce them to such a condition, that death itself should be a comfort to them.

To pretend, my lords, that these forfeitures are necessary for preserving the society from rebellions and insurrections, and the persons of our kings and ministers from conspiracies and assassinations, is a pretence that, if we once exceed the bounds of justice and humanity, can admit of none other. For the same reason, it may be said to be necessary to put a traitor's children to death before his face. It may be said to be necessary to put all his friends and relations to death; and to find out the person most dear to him, perhaps his wife, in order to have her put to death before his eyes. In short, the same argument may be made use of for the most exquisite tortures, and for all those cruel punishments that are now in use among the tyrannical governments in Asia and Africa.

Thus your lordships must see, how far you may be led, if you once admit, that, for the peace of society, and preservation of government, punishments may be inflicted that are both cruel and unjust. I therefore hope, your lordships will spare a thought for your children, your families and posterity, they have not only estates but honours and dignities to lose. I have no children, but I have a regard for my family, and I have a concern for the danger every one of your lordships' families may be hereafter exposed to. I hope, the reverend bench, though their honours are not hereditary, will shew a concern for those that are. I hope, the lords from

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Scotland will consider how many noble families, of their country, have been lately destroyed by this maxim of punishing children for the fathers' crime. The guilty deserved to suffer, but it is hard to make the innocent partake in their punishment.

I know, my lords, that in felonies the goods and chattels are forfeited, as well as the lands, goods and chattels in treason. I approve of the one as little as I do of the other; but felons have nothing generally to forfeit. By such a forfeiture it seldom happens once in a century, that the value of 1,000*l.* becomes forfeited; and in felony there is not so much danger of the prisoner's being unjustly convicted as in treason, where ministers generally interest themselves to have the prisoner condemned. Besides, my lords, as forfeitures for treason become generally the prey of ministers and favourites, and are often of great value, they may be the cause of many an innocent man's being convicted, condemned, and executed, for no other reason but because he has a fine estate, or, as it was once expressed, because he would be a bonny traitor. This, we know, was a frequent expedient for raising money under the tyrannical emperors of Rome, who had bands of well disciplined *delatores* for that very purpose; and in time our informers may be as numerous, and as well disciplined as those *delatores*; for when a bad custom once takes root, no one can imagine how fast it grows, how far it spreads its baneful branches.

I must farther observe, my lords, that these forfeitures are so far from preventing, that they may be the cause of a rebellion. If needy and daring counsellors should get the government of a weak prince, they may advise him to arbitrary and oppressive measures, with a view to provoke a rebellion, that they may have a chance for enriching themselves out of the spoils of the rebels. The king, indeed, by such measures might risk or lose his crown; but as such ministers have little to lose, and a great deal to gain, they would give themselves very little trouble about the risk their sovereign might run, if they thought they had but a tolerable chance for victory, and that, an established government can scarcely be without.

I hope, my lords, I have fully shewn, that the punishments now desired to be continued for a fresh term, are in themselves neither just, humane, nor prudent; and after what I have said as to the persons upon whom they can be supposed to have any effect, I think, I need not add much, for shewing, that they cannot be agreeable to our constitution. At the Revolution, my lords, we were reduced to the fatal necessity of vindicating our liberties, and restoring our constitution, by force of arms, or by what must have been deemed high treason by every lawyer in England, and what would be called by the same name, even according to the laws as they stand at present. We may again be brought under the same fatal necessity, even under the family now upon our throne. As for his present majesty, and the apparent heir to the crown, we may rest secure during their reigns, because we know and admire their wisdom, justice, and moderation; but we cannot answer for princes yet unborn, or whose tempers and dispositions we know nothing of; and I must observe to your lordships, that an ambitious prince of the present royal family has it much more in his power to get a corrupt parliament, or to govern without a parliament, than any prince of our former royal family ever had. Before the Restoration our king had no settled taxes, nor could he levy any new tax by law till he called a parliament to grant it. Therefore, if he attempted to levy money upon the subject, every single man might by law refuse to pay it. But we have now perpetual taxes established to the amount of at least four millions sterling a year, which the king may levy without caling a parliament, and no single subject can, by law, refuse to pay. These taxes are, it is true, appropriated to their several uses; but no single subject has a right to enquire into the application, nor can, by law, prevent their being misapplied. The parliament alone is invested with this power; and if the king should resolve not to call a parliament, he might, by law, levy that whole revenue yearly, and without law, apply it towards enabling him to govern without a parliament.

This advantage, my lords, will always be a great temptation to an ambitious, and very probably, may tempt some future prince, to resolve to govern without a parliament, in case he should find, that he cannot get a corrupt and dependent parliament by those methods which the crown has in its power, and which have received great additional strength since the Restoration, but especially since the Revolution. In either of these cases it must be granted, that we should again be under the fatal

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necessity of vindicating our liberties by what would be deemed high-treason by the law; and when this event appears to be so probable, can it be consistent with the preservation of our constitution, to continue all our nobility and chief gentry under such fears, as may tempt them to sacrifice, to the safety of themselves and families, the liberties and constitution of their country? My lords, if these family punishments be much longer continued, I may prophesy, that our great families will not only be passive, but most of them will be active in destroying the liberties of their country. The mind of man is restless and uneasy, or what, in the modern phrase, is called vaporish, under idleness; therefore, when men find they risk too much by being active in the paths of virtue, they will, of course, or for a very small temporary reward, run headlong into the paths of wickedness; and, instead of contending who shall be the boldest and bravest assertor of liberty, they will contend who shall be the most adroit courtier and submissive slave.

I have now shewn, I hope, to your lordships' conviction, that we can be under no present necessity for passing this Clause into a law; that we can have no just apprehension of any future danger, for which this law can be a proper or effectual remedy; and that the punishments intended to be continued by this Clause are neither just, nor consistent with our constitution. All that now remains, is to enquire, whether this be a proper, or parliamentary method of introducing a law, which is of such importance to your lordships' families in particular, and to the libertics of the nation in general. Your lordships all know, that by the immemorial custom of parliament, every Bill that may any way affect the liberties or properties of the subject, ought to be four times under the consideration of each House of Parliament, that is to say, it ought, in each House, to be twice read, then committed, and after that read a third time, before it be passed into a law; and that, unless in cases of imminent danger, there ought to be a sufficient time between each reading, that not only the members within doors may have time to consider it maturely, but that the people without doors may be apprised of its contents, and have time to petition against it, if they see cause. This is a most excellent method, and wisely adopted by parliament to prevent surprise; but instead of this, you are to pass a law *per saltum*, I may say, which may sooner or later prove a trap for the destruction of every great family now in this island; I say, *per saltum*, my lords, for it is to be but twice under the consideration of this House, and but once under the consideration of the other; and for what I know, it may be passed into a law in three days time: this day it may be added to the Bill in the committee, tomorrow the Bill may be read a third time; and next day our amendments may be agreed to by the other House, and the Bill receive the royal assent.

Is this, my lords, a parliamentary method of passing a Bill of such importance? It may be designed as a compliment made to the crown by the two Houses of Parliament; but, I am sure, it cannot in this way be designed as a compliment made to the crown by the people; and if the people should find parliaments making compliments to the crown without their privity or consent, my lords, they may be even with us: they may make a compliment to the crown of those liberties which they may think (though never justly, I hope) their parliaments too complaisant to preserve; and then your lordships' titles will be of just as much significancy in your country, as the title of a baron is in Germany, or that of a marquis in France.

Therefore, my lords, if you think it absolutely necessary to make such a compliment as this to the crown, that the compliment may have the more weight, that it may seem to come from the people as well as the parliament, I hope you will order in a new Bill, and allow it to take the usual parliamentary course. If you had no other reason, I hope, you will do so, out of regard to the noble lords who represent the peerage of Scotland in this House. Whatever they may think of the Clause, I have a very great concern for them upon this occasion. I know their loyalty and affection to their sovereign. I know how much it will vex them to seem more backward than others in making compliments to the crown; and yet I do not see how they can, in honour, give their consent to this Clause's being made part of this Bill. My lords, as most of your lordships do, I sit here in my own right, and therefore have no call to consult any thing but my own conscience upon this occasion; but if I sat here as the representative of the meanest body of people in Great Britain, I protest, my

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lords, that I should think myself obliged, in honour, to have recourse to the ancient custom of the other House, and therefore should say, "I cannot, without consulting my constituents, give my consent to this new device."

Those noble lords must know, that the act, of which the Clause now to be suspended makes a part, was unanimously opposed by the members from that country in both Houses of Parliament, and very loudly complained of by the people, as a breach of the Articles of Union. They must know, that this very Clause was inserted, in order to pacify a little the clamours of the people, and to reconcile them in some measure to the former part of the act, which really seems to be a little inconsistent with one of those articles; for if no alteration is to be made but for the utility of the people of Scotland, surely the people of Scotland are to judge of that utility, and to petition for the alteration; at least the parliament of Great Britain are not, in my opinion, to declare magisterially, that to be for their utility, which they generally and openly declare to be otherwise. If then this Clause was the only consideration that induced the peerage and people of Scotland to submit patiently to that law, what will the peerage think of their representatives in this House, what will the people think of their representatives in the other, if, without consulting them, and even without giving them an opportunity to declare their sentiments, they should *per saltum* agree to give up that sole consideration?

Besides the method, my lords, the time of introducing this extraordinary Clause, is something very extraordinary. It has always been thought unfair to bring any new matter of importance before parliament towards the close of a session; but this affair, which is of the utmost importance, is brought in not only towards the fag-end of a session, but after all the supplies have been granted, and nothing of moment further expected, so that many lords of this House are retired to their country seats, who, though they may have left their proxies, would, I am sure, have given their personal attendance, if they had expected the introduction of a Bill, or clause to a Bill, in which the very being of their families is so much concerned; and as to the other House, I am persuaded, there is not a half, perhaps not much above a third, of them that can be present when this amendment goes to that House for their concurrence; therefore this Clause may, perhaps, somewhere be looked on as a compliment from our ministers, but, if rightly considered, it can be looked on as nothing but a compliment stolen from parliament; and if it should pass, I hope, for the credit of parliament, it will appear as such to the people.

I shall conclude, my lords, with joining with my late noble friend in this, that I neither expect nor desire any mercy from the Pretender. I never will accept of it: I hope, and, I believe, it will never be in his power to offer it. I acknowledge, I am afraid of him; but my fears of him proceed from my concern for the liberties of my country, and not from any regard to my own safety. I think a revolution in his favour would be the establishment of slavery, in which state I shall never desire to live, or my family to flourish. But as this country may be brought into slavery by other means, as well as by a revolution in his favour, I shall never allow my fear of him, to lead me into such measures as may betray my country into slavery under another; and as this may be the effect of the Clause now offered to us, I shall most heartily give my negative to its reception.

Lord Chancellor *Hardwicke*:

My lords; I little thought, when I seconded the motion now under your lordships' consideration, that I should have occasion to stand up again in vindication of that motion, because I thought the danger imminent, and the remedy apparent; and I have yet heard nothing that can induce me to alter my opinion. But now, my lords, I think myself obliged to stand up to vindicate not only the Clause moved for, but the whole tenor of our laws, from the beginning to this very day. Not only since the Conquest, but even before the Conquest, from the fragments of the Saxon laws transmitted to us, it is evident, that the forfeiture, or confiscation of goods and chattels, was a punishment inflicted upon many crimes as well as treason; and as to lands, by the very nature of the tenure they became forfeited by treason, because all the lands in England were held by homage and fealty, and, consequently, became forfeited by the tenant's being guilty of any act, or even of a neglect, that was contrary to that homage and fealty, which he had swore to his lord. The forfeiture of lands, goods, and chattels is, therefore, a punishment

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that must be allowed to be coeval at least with the settlement of the Saxons in this island, And as all the lands in England are held ultimately of the crown; as the king is every man's lord paramount, therefore, no subject that was guilty of treason, could be exempted from this punishment, any other way than by the favour of the crown.

This, my lords, is so clear from the books of our law, both ancient and modern, and also from our histories, that I was surprised to hear it said that the forfeiture of a man's estate for treason, was contrary to the spirit of our law; and I was equally surprised to hear it deemed contrary to reason or common justice; for if lords would but attend, they could not miss seeing the difference between a child's suffering by, and a child's being punished for, the crimes of the father. The latter, I shall admit, would be contrary to Christianity as well as common justice; but the former is a necessary consequence which cannot be prevented: inflict what punishment you will upon the father, the child must suffer by it more or less; nay, a child often suffers by the misfortunes of the father, and must suffer, unless God Almighty should upon every such occasion alter the whole course of nature, and work miracles, in order to prevent an innocent child's suffering by those misfortunes, which the father, perhaps by his own folly, has brought upon himself.

It is therefore equally absurd to say, that a child ought not to suffer by the crimes of the father, as to say, that a child ought not to suffer by the misfortunes of the father. Both proceed from the necessary consequence of things; and as the latter cannot be prevented, without altering the common course of nature, so the former cannot be prevented without altering the most fundamental maxim of society, which is that of inflicting adequate punishments upon criminals. But in what, my lords, do children suffer by the punishment of forfeiture, now so much complained of? In nothing but in the property which they might perhaps have succeeded to, if the father had died innocent of any crime. Can they in this be properly said to suffer? I know it is commonly said, that children have a natural right to succeed to their father's estate; but though this be commonly, it is not properly said. If children had a natural right to succeed to their father's estate, they would all have an equal right, and bastards would have as good a right as children born in lawful wedlock; consequently, by the laws of nature, which no society can abrogate, the father's estate ought to be equally divided amongst the children. But this is not so, nor ever was thought to be so; and therefore it must be allowed, that the right the children have to succeed to their father's estate, proceeds entirely from, and is founded upon, the laws of society. By the laws of this country, the eldest son, in exclusion of the daughters and all the younger sons, has a right to succeed to the land estate of his father, dying intestate; but this right is qualified with this condition, that his father died in the allegiance of the king. Therefore, if the father was attainted of treason, the son does not really suffer, even in his property, by the father's forfeiture, because he loses no property he ever had a right to. He might, perhaps, have had an expectation; but if that expectation was any thing more than conditional, it was ill-grounded; and, I hope, the depriving a man of an ill-grounded expectation will never be called an act of injustice.

I hope your lordships will, from what I have said, be convinced, that so far from innocent children's being punished by the forfeiture of a guilty father, they do not really suffer in their property, at least not in any property they had ever a right to, or a well grounded reason to expect; and, therefore, I think you must allow, that in the punishments now inflicted upon treason, there is nothing that can be called inconsistent with reason, justice, or religion. They are so far from being so, that they have been established in all countries, and approved of by the people of all ages, and of all religions. Among the Romans, even in the time of their commonwealth, the forfeiture of estate, or the *publicatio bonorum*, was a very usual punishment. The crime of *læsa majestas*, or *perduellion*, was then known among them, as is evident from the history and fate of Manlius, who had so bravely saved their Capitol; and as his house was afterwards converted into a public building, it seems probable, that he was punished not only with death, but with the forfeiture of his estate. The punishments of treason were, afterwards, indeed, by some of their tyrannical emperors, carried to an extravagant height; for the children, at least the sons, were by them often put to death, for no other reason but because they were the children of a man

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condemned for treason; and though the emperors Arcadius and Honorius, mentioned by the noble lord who spoke last, exempted them from that punishment, yet in the body of the law it is said, that the children ought to undergo the same punishment with the father; and, therefore, the sparing of their lives is said to proceed from the extraordinary lenity of the emperor*.

Thus, my lords, we see, that the Roman law, during the time of their emperors, was extremely severe even against the children of traitors; and as that law prevailed in England for several hundred years before the settlement of the Saxons: As it was, I believe, the first, and till then the only established law we had amongst us, it may be said, that the punishments now inflicted upon treason, or some more severe than these, have been established in this island ever since we had any law established amongst us; therefore, I am sure, it cannot be said, that those punishments are inconsistent with the spirit of our law; and as they were established during the first ages of Christianity, it is, I think, a very bold assertion to say, that they are inconsistent with revealed religion.

My lords, they were not only established during the first ages of Christianity, but have been since received and approved of in every Christian country; and the severity of them was never in this country complained of till very lately. In former times, I shall grant, there was a complaint against the forfeiture's being too far extended; because the forfeiting person was often made to forfeit what did not really belong to him: a tenant in tail was made to forfeit the estate, in the same manner as if he had been tenant in fee simple, which proceeded from a bad custom that had been introduced, whereby the donee of an estate in tail, after once having issue, assumed to himself a power of selling or alienating that estate, by which the issue were deprived of their right of remainder, and the donor and his heirs of their right of reversion; and as the donee, or tenant in tail, had by this custom a power to alienate such an estate, therefore he forfeited it in case of his being guilty of treason. But as such a tenant's power of alienating was taken away by the statute of Westminster the 2d, from that time no such estate was forfeited by the forfeiture of the tenant in tail, till by subsequent statutes, and by custom, the power of cutting off entails by fine and recovery was established; and then by a statute in the 26th of Henry the 8th, estates in tail were declared liable to forfeiture, by attainder of high treason.

In the reign of Edward the 3rd, my lords, another complaint arose, I mean, that against the multiplying of treasons, and judging many crimes to be treason, which were not really so in themselves. This likewise was a just complaint, and was remedied by the famous statute of the 25th of that king's reign. These were the only complaints we read of till the late queen's reign, when the punishments of treason began to be thought too severe; but even then, it was never imagined, that they were contrary to justice or religion; for if the parliament in 1709, had been of such an opinion, surely no apprehension of danger could have prevailed with them to have continued those punishments, till after the death of the Pretender, or for one moment after they began to have such an opinion of them. All considerations of common justice or religion, are therefore entirely out of the case, with regard to the question now before us: we may continue the punishments upon treason for any term we please, or we may abolish them, or some of them, directly, without encroaching any manner of way, either upon justice or religion. The welfare and security of the commonwealth, is the only thing now under our consideration; and as the tranquillity of the nation would, in my opinion, run a very great risk, should that Clause in the 7th of queen Anne begin to take effect, during the life of either of the Pretender's sons, I think, it ought to be suspended for that term at least.

I shall admit, my lords, that a man, who is governed by an extravagant passion, or a mad enthusiasm, may be ready enough to run the risk of sacrificing his family and children, as well as himself, to his passion or enthusiasm; but both in the extravagance of passion and the madness of enthusiasm there are several degrees, and though no fear can, perhaps, be a restraint upon those men, that are in the highest degree, yet the fear of ruining a man's family and children will have an effect upon those that are in a lesser degree, and certainly upon many of those who could not be restrained by the fear of any personal danger. By this means therefore, we shall prevent all those, who are affected with only a lesser degree of passion or en-

* Vide Cod. Justin. Lib. 9, Tit. 8, L. 5, §. 1.

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thusiasm, from joining in any attempt for overturning our present happy establishment, and by preventing their joining in it, we may the more easily defeat the designs of those, who are governed by the most extravagant passion, or maddest enthusiasm: nay, we may prevent their attempting to disturb the tranquillity of their country; for unless they are raving mad, they will never attempt such a thing without some hopes of success; and such hopes they cannot conceive, unless they expect to be joined by great numbers, which expectation they cannot have, when they know, that none but such as themselves will join openly in the attempt, that no man will join in it, who is more swayed by the regard he has for his family and children, than by the passion or enthusiasm with which he is affected. Therefore, my lords, by the Clause now offered to you, we may depend upon securing the submission of all those Jacobites, that are not next degree to raving mad; and while we do so, whatever number of Jacobites there may be in the kingdom, I think, we have nothing to fear from them. But if the 7th of queen Anne should, by the death of the Pretender, begin to take effect: if no Jacobite in England, nor any ambitious or revengeful man, had any thing to fear from rebellion, but his own personal danger, the extravagant or enthusiastical part of them would soon lead up the dance, and the fear of being reproached with cowardice would induce all those, who had ever professed disaffection or dissatisfaction, to join them.

As I have mentioned cowardice, my lords, I must take notice of the great advantage a government draws from the ruin a man's family is exposed to by rebellion. No man will acknowledge himself to be a coward: every man is afraid of being reputed such; but no man is afraid of saying, he has a great regard for his family and children. Whilst a man has this pretence, he may with some countenance refuse joining with his friends, or with the party he has always professed himself of, in any rebellious measures: even though cowardice, or the fear of personal danger, be his real motive, he may make use of this pretence, and will make use of it, as his excuse for refusing to join with his friends in treasonable practices. But if you take this pretence from him, which will be the case, as soon as the 7th of queen Anne begins to take place, he can then pretend no other excuse, but the fear of the danger his person may be exposed to, and this is an excuse which very few will ever make use of. Nay, it has often been known that men have exposed their persons, by actions which they did not altogether approve of, and upon occasions where they thought death almost inevitable, rather than give their companions and friends the least cause to suspect them of cowardice.

This argument may, by some of your lordships, be thought a little too speculative; but if ever those punishments, which affect a man's family and children, should be abolished, I am afraid, it will hold good in practice. Rebellions and insurrections have many other causes besides disaffection alone, and if you leave men no excuse for not joining with their friends in such, but singly that of the danger their persons may be exposed to, rebellions and insurrections may become so frequent, as to make all the honest and industrious part of the nation wish, that those punishments had never been abolished. Therefore, though I am not for repealing that Clause in the act of the 7th of queen Anne: though I am not for suspending it 'in secula seculorum,' yet I do not think it such a clear point as to determine positively, that it ought never to be repealed. When it comes to take place, we shall then from experience, and from the effects it produces, be able to judge and determine more positively upon this question; but I am not for its taking place during the life of either of the Pretender's sons, lest it should produce such effects as may put it out of the power of parliament, ever afterwards, to judge or determine upon any question whatever.

I hope, my lords, I have now answered every material argument that has been brought against the merits of the Clause under your consideration, and as to the method of bringing it in, I think, I may easily answer what has been objected upon that head. It has been said, my lords, that the Clause now offered to you is a great innovation, and that it is not regular to attempt an innovation of so much importance at the end of a session, and by way of a clause to a Bill which has already passed the other House of Parliament. My lords, the Clause now offered to you is so far from being an innovation, that the very design of it is to prevent, or, at least, to suspend, for some longer time, a very great innovation. The Clause in the 7th of queen Anne, which is to have its taking

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effect suspended for some longer time, by the Clause now offered to you, was a most material innovation in our law, and in that branch of our law which had stood firm ever since we had any such thing as established laws in this kingdom. And the method in which that Clause was introduced, must justify the method now taken; for that Clause, as the noble lord who spoke last rightly observed, was added by the other House to a Bill sent down from this; and, surely, there is nothing more irregular in our adding a clause to a Bill sent up from the other House than in their adding a clause to a Bill sent down to them from this: I am sure, there is not so much danger in preventing an innovation, as in introducing a most extraordinary innovation, by such a method; and I must be of opinion, that if that Clause had been introduced in the most regular and formal method, and had been duly considered, it would not have met with such a ready approbation as it did. If that Clause were now to take effect, I must be of opinion, that it would be necessary to alter it, or to alter the whole of our laws relating to the punishment of felonies; for it would look very odd, and might expose us to the ridicule of foreign nations, if felonies were with us more severely punished than treasons; which would be the case, if the heir were no way to suffer by the attainder of the ancestor. In felonies, my lords, the goods and chattels of the attainted person are forfeited: would you continue this punishment upon felonies, and at the same time abolish all forfeitures in cases of treason?

My lords, we are generally supposed by foreigners to be a factious, seditious people: for this supposition they never yet had any just grounds; because the people of this country have always been submissive to a government that no way encroached upon their liberties or privileges; and when a people bravely stand up in defence of their liberties and privileges, none will say they are for that reason factious or seditious, but such as have no liberties or privileges to defend, nor courage to acquire any such. This character has, therefore, been hitherto given us by foreigners without any ground; but if the 7th of queen Anne should begin to take effect, and if the present punishments upon felony should, at the same time, be continued, there would be some ground for giving us this character: foreigners might say, that the people of England are such favourers of sedition, that by their laws a man is more severely punished for stealing a horse, or picking a pocket, than for rebelling against his lawful sovereign. Therefore, my lords, let this Clause begin to take effect when it will, I hope the parliament will again take it under consideration, and either abolish forfeitures in all cases, or inflict such new forfeitures as may be thought proper in cases of treason.

The Earl of *Chesterfield*:

My lords; as I am no virtuoso, I never put a value upon any thing merely upon account of its antiquity; and therefore, the learned lord upon the wool-sack might have saved himself the trouble of tracing forfeitures down to the first original of our laws; for when I am considering, whether a law or custom ought to be abrogated or revived, I never did, nor ever shall give myself the trouble to enquire into its antiquity; especially when the question is about its being just or unjust, and not about its being convenient or inconvenient. As the Roman law was not introduced among us till it was mangled and adulterated by their tyrannical emperors, if that was the original of our law, I must say, it has a very bad origin; and perhaps some of our Saxon kings, who were as fond of arbitrary power, if they could have come at it, as their neighbours, borrowed but too much from that original. But their subjects took as much care as they could to limit their power; and therefore they took care to have the body of their laws formed chiefly upon the model of those laws and customs which prevailed in Germany, where the spirit of liberty reigned as much at that time, I believe, as ever it did in any country. For this reason the true spirit of our law must be allowed to be a spirit of liberty, consequently any particular law or custom, let it be never so ancient, may be contrary to the spirit of our law in general, and if it has any thing of injustice or severity in its nature, it must be allowed to be so.

I have therefore no occasion to enter into a dispute with the learned lord about the punishments inflicted upon treason by our ancestors the Saxons, and the less, because the accounts we have of their laws and customs are so imperfect, that neither of us can determine any thing positively about them; for though all the lands in England were held by homage and fealty, yet we cannot say that in an-

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cient times an absolute forfeiture of the freehold was the penalty inflicted upon every failure or breach of that homage and fealty; and I must observe, that if by treason a man forfeited all he had, as well as his life, I cannot see how he could redeem his life by paying what they called the value of the king's head, which, it seems, was a practice very common among the Saxons. But whatever was the case with regard to forfeitures, there is one part of the punishment now inflicted upon treason, of which, I believe, I may venture to assert, we can find no vestige among our ancestors the Saxons, and that is the corruption of blood, which is made to affect the innocent children as well as the guilty father.

This, my lords, is so directly a punishment upon the innocent children, and so evidently unjust, that I was glad to find the noble lord did not so much as attempt its vindication; and yet, even this he might have attempted, by means of that ingenious distinction he made use of between a child's suffering by, and being punished for, the crimes of the father; for this he might have called a necessary consequence of the father's punishment, as well as he called the son's being disappointed of his father's estate, a necessary consequence of his father's being forfeited, or not dying in the allegiance of the king, though in both cases the consequence is so far from being natural or necessary, that the law only has made it a consequence; which must furnish us with the true distinction between a child's suffering by, and being punished for, the crimes of the father. When the children suffer by the natural course of things, they can only be said to suffer; but when their suffering proceeds from an express law, and contrary to the natural course of things, it is then something more than suffering, it is punishment; and if they do not deserve it, the law is unjust. If a rebel should defend his castle, and if in the attack it should be set on fire or blown up, and he and all his children by that accident destroyed, the children might then properly be said to suffer by their father's crime; but if a law should be made, that if any man held out his castle against the king's authority, it should be set on fire, and he and all his family burnt in it, the children would, in that case, not only suffer by, but would be punished for their father's crime. Would not such a law be unjust? And yet it might be said that such a punishment was necessary in order to terrify men from holding out their castles against the king.

Such a law, or such a reason, I am persuaded, none of your lordships would approve of; and yet in forfeiture there is something more unjust, or at least more absurd. If the criminal and his children were by way of punishment to be burnt together, he would at least be a partaker in the punishment, and would suffer equally with his children; but in forfeitures the children only are punished; the criminal does not partake in the punishment, nor does he suffer in the least by it; for surely it will not be said, that a man suffers, after he is hanged, by the forfeiture of his estate. The children are the only sufferers, by being thereby deprived of their father's estate, which they have a natural right to succeed to; I will still say a natural right, my lords, not withstanding what the learned lord has said to the contrary. The laws of nature are in many cases altered, and new moulded, by the laws of society; every man has a natural right to revenge himself when he is injured; but the laws of society say he shall for this purpose apply to the civil magistrate, and the law of God has told us, that revenge is his, that is to say, the civil magistrate's, who is his vicegerent; a man has a natural right to retake his property wherever he can find it; but the laws of society say, that if he is once entirely out of possession, he shall apply to the civil magistrate for recovering it. In both these cases, the natural right is not taken away, but regulated; and the civil magistrate, or the law of society, would do them injustice, if without any crime in them, it should refuse to give them satisfaction. In like manner the children have a natural right to succeed equally to their father's estate: but by the laws of this country, this right is so regulated, that the eldest son shall succeed to the real, and the younger children to the personal estate: the natural right is not taken away, but regulated; and I will say, that wherever this natural right is by law taken away, without any crime in the children, the law does them injustice; therefore without the least scruple, I shall condemn our forfeitures in felony as well as treason; they both proceeded from the same cause, the avarice of those who have by law, or expect by favour, a right to them; for it is ridiculous to say, that a forfeiture of lands, goods, or chattels, can be any additional punishment upon a criminal that is directly to be hanged; and the

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same reason will hold, and, indeed, has always been given, for putting the children to death, that is made use of for robbing them of their estate.

I was surprised to hear the learned lord say, that in the commonwealth of Rome, there were any forfeitures in capital crimes. The case of Manlius is no way to the purpose, because we are not told, whether his house was his own, or when it was converted to the public use: and in the Roman history it is particularly taken notice of, that Servilius Cæpio was the first, after the expulsion of their kings, who had his estate forfeited, or, as they called it, his *bona publicata:* which, besides depriving him of his command, was the only punishment inflicted upon him, for being the cause of the loss of a battle, in the 647th year of that city. In short, all the civilians agree, that in the commonwealth there was no such thing in capital crimes as forfeiture of estate: their words generally are, that the Romans, during their commonwealth, were so moderate in their prosecutions of public crimes, that they never joined a pecuniary with a capital punishment. In the time of the commonwealth, it is true, the Romans had two sorts of treasons, one called Perduellion, and the other Læse-Majesty, and both were, in many cases, punished with death: but forfeitures were never annexed till the time of their emperors; and even some of their emperors abrogated those laws that had been made for taking the estates of traitors from their innocent children; but these were revived as often as tyrannical emperors got possession of the throne, so that ministers at last grew very easy about the execution of traitors, if they could but convict them so as to get possession of their estates; which practice, as well as the practice of forfeiting criminals, is set in so true a light by a law of Justinian's, that I cannot help repeating the words. After ordering, that the estates of traitors shall be left to go to their next heirs, the law adds, "Non enim res sunt quæ delinquunt, sed qui res possident; at illi reciprocant ordinem; Eos quidem qui digni sunt pœna, dimittunt: Illorum autem auferunt res, alios pro illis punientes, quos lex forte ad illorum vocavit successionem."

From this law, we may suppose, my lords, that ministers often got rich men accused of treason, against whom they had little or no proof, and then came to a composition with them in this manner: If you will confess yourself guilty, so as that we may have your estate, we will take care to prevent your being executed; but if you obstinately stand your trial, we will take care, by some means or other, to have you condemned, and then you may depend upon suffering death, as well as being forfeited. I appeal to your lordships, whether there is not some danger of our seeing this practice hereafter introduced in this country, if the present punishments upon treason be continued; for ministers will always have a pretence, that their saving the life of a condemned traitor, proceeds only from their merciful temper, and we know, that men indicted for treason, have even here been often told, If you plead guilty, your life shall be saved, but if you stand your trial, you shall certainly be hanged; which to me is an evident proof, that those who send such messages, are more concerned about having the estate of the criminal, than about punishing the crime.

Whether the punishments of treason were approved of, by the primitive Christians, is a question, my lords, which I shall leave to the reverend bench to determine; but their being approved of by the first Christian emperors, is no proof of their being approved of, by the primitive Christians; for though those emperors and their courtiers professed themselves Christians, it appears from their histories, that there was very little of primitive Christianity in their practice; and as Christ himself did so much honour to little children, and never repealed that precept so expressly delivered in the Old Testament, till I am convinced of the contrary by some of the reverend bench, I shall be of opinion, that the punishing of little innocent children for their father's crime, is contrary to religion, as well as natural justice.

But this of forfeiture is not, my lords, the only thing we have to complain of in the punishments now inflicted upon treason. That which we call corruption of blood is still more unjust and cruel; and when I consider the legal consequences of it, I must think, that our punishments of treason, with regard to the children, were formed upon the plan of that law of the emperors Arcadius and Honorius, which has been mentioned in this debate. By the forfeiture the children are stript naked, I may say, let them be of what quality they will; and by this corruption of blood they are degraded from the rank in which they were born, and levelled with the scum

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of the people: they are rendered incapable of succeeding to any ancestor; and as their blood cannot be restored without an act of parliament, I believe, in case of a contest, they would be deemed incapable of any honours or preferments. In this condition, to which they are reduced, not by the natural course of things, but by express law, must they not either starve, or subsist by daily labour, unless assisted by the charity of their relations? Suppose five or six sons, educated and brought up to man's estate, like gentlemen, or men of quality, and then reduced to this condition by the attainder of their father, has not the law done as much as lies in its power to make life a punishment, and death a comfort to them? Is not this exactly agreeable to the merciful law made by Arcadius and Honorius, which concludes with these words, "Sint postremo tales (filii, nempe, majestatis reorum) ut his perpetua egestate sordentibus, sit et mors solatium, et vita supplicium."

To say, my lords, that these punishments upon innocent children are absolutely necessary, in order to curb the ambition, resentment, or mad enthusiasm of parents, is directly contrary to experience, as appears from the histories of all commonwealths both ancient and modern. The Roman commonwealth subsisted for 400 years, with but very few treasons, and without any one civil war, though they had then no such punishments established among them; whereas after their emperors were established, and these punishments introduced, they had continual treasons, and frequent civil wars. To come from the ancients to the moderns, the Dutch at this day have no such punishments established among them: corruption of blood, as a punishment of treason, is not known in that commonwealth: in some of the provinces there is no such thing as forfeiture of estate for treason, and in others they have methods of preventing it, or redeeming it for a trifle; yet there are but few conspiracies among them, and no civil war has ever happened since the establishment of their republic. It is in absolute governments, and under tyrannical princes alone, that such punishments are thought necessary, and therefore, I must look upon the Clause now offered to your lordships, as one of the greatest satires upon our present most gracious sovereign that was ever attempted either within doors or without. It may be designed as a compliment; but I am sure, if he were rightly informed of the nature of it, he would reject it with disdain. This he would be prompted to do not only by his distinguished moderation, but by his known wisdom; for in all ages and countries it has been found, that such punishments rather provoked than prevented treasons, insurrections, and rebellions.

The security of this government, my lords, and the tranquillity of this nation, depends not upon frightening either the disaffected or dissatisfied from rising in arms, by the severity of punishment. It depends, my lords, and, I hope, will always depend, upon the smallness of their number. Upon this our tranquillity will always depend, and securely depend, as long as our liberties are preserved entire; and if they should ever come to be encroached on, I am sure, it is neither the business nor the duty of parliament to endeavour to frighten men from taking arms in defence of the liberties of their country.

As to the argument, my lords, that the continuance of these punishments will furnish even the cowards among the Jacobites with a plausible pretence for not joining their party in rebellion, I think, if it has any force, it operates rather against the continuance of these punishments; for if the Jacobites should ever raise an army, I should be for sending as many cowards as possible into it, because they will always do more harm to their party by their cowardice, than they can do service by their numbers. We have it from the best authority, I mean that of Gideon, who was directed by God Almighty himself, that an army of three hundred chosen, brave men, has a better chance for victory, than an army of two and thirty thousand, when mixt with a great number of cowards; and many examples in profane history must convince us, that victory does not so much depend upon numbers, as upon the bravery and discipline of the troops; therefore, I am for doing nothing that may prevent the Jacobites, if they should ever attempt a rebellion, from being joined by the cowardly part of them; and for this reason, my lords, if there were none other, I should be against making this clause a part of the Bill now before you; for if we do but get the victory over those formidable Jacobite rebels, I am for leaving their estates to their children, because I have often heard of a rebel's son or grandson proving a good subject, and doing eminent service to his country.

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The Bishop of *Oxford** :

My lords; as the reverend bench has been more than once called upon in this debate, I think myself obliged to stand up and assign my reasons for the vote I shall give upon this question. It has been owned, my lords, upon all sides, that men have generally a very great regard for their family and children, and that, consequently, all those who are not actuated by a very strong passion, or mad enthusiasm, will be restrained by that regard from rebelling or plotting against our established government. As I have a just concern for the preservation of our happy constitution, as well as the tranquillity of my native country, I shall always be for taking every method for securing either the one or the other, that I think consistent with justice, and the welfare of society; and, as I think, there is nothing in the punishments now inflicted upon treason that can be justly said to be inconsistent with either, I shall be for continuing them for the term proposed by this Clause, since the public circumstances seem to me to require that continuance.

My lords, as the course of nature is the will of God, and the law prescribed by his almighty power, I hope no man will say, there is any thing unjust in what happens by the course of nature; and as by the course of nature, children often, consequentially, suffer by the misfortunes, the follies, the vices, and the crimes of their parents, we must conclude, that in this there is nothing unjust. God Almighty, for the propagation and preservation of mankind, has instilled into them an extraordinary concern for their children: this I may call an instinct, which we have in common with every kind of brute creature; and to restrain men from vice and folly, as well as to make them cautious and circumspect, the great Author of nature has so ordered it, that children shall often, consequentially, suffer by the misfortunes, follies, vices, or crimes of the parent. Thus men are laid under a double tie to live a godly, righteous, and sober life; because by a contrary course, they may suffer not only in themselves, but in that which is most dear to them, their children. This, my lords, is the course of nature prescribed by God Almighty; and surely, it cannot be said to be unjust in lawgivers to follow this great example. We may, therefore, in some cases, inflict such punishments upon a guilty father, as may, consequentially, affect his innocent children; and, indeed, it is hardly possible to contrive any punishment for a guilty father, that will not some way or other affect his innocent children. If you put him to death, you make the children suffer, by depriving them of a parent that would have provided for them: if you imprison him, you make his children suffer, because you thereby put it out of his power to provide so well for them as he might otherwise have done: if you fine him, you make the children suffer, because you put it out of his power to provide so well for them during his life, or to leave them so much at his death, as he might have otherwise done. In short, inflict what punishment you will upon a guilty father, the innocent children must, consequentially, suffer; and it is right it should be so, because, as I have said, it is agreeable to the course of nature, which is the law prescribed by God Almighty himself.

The consequential sufferings of children, we are not, therefore, my lords, to regard, when we are making laws for punishing the crimes of a guilty father. All that we are to take care of is, not to inflict, directly, any punishment upon an innocent child for the sake of a guilty father. This is what is meant by the divine precept delivered to the Jews, as mentioned in this debate. It was a common custom among the eastern nations, and is so still, to put all the innocent children to death as well as the guilty father; and to abrogate this wicked custom, to prevent the Jews from falling into it, this precept was delivered. It was never meant, nor could be meant, to prevent the Jews from inflicting any punishment upon a guilty father, by which his children might consequentially suffer; for in this case, they could never have inflicted any punishment at all upon a guilty father; and, consequently, if a man had once become a father of children, he might have committed what crimes he pleased with impunity.

Thus your lordships must see, that the inflicting of punishments upon fathers guilty of treason, which in their consequences may affect innocent children, is contrary neither to justice nor religion; and as the foreseen sufferings of children will always be some restraint upon the actions of the father, in imitation of the great Author of nature, we ought in prudence to chuse this method for preventing

* Dr. Thomas Secker.

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men from being guilty of wicked actions. Besides, it is very certain, that as the son is generally bred up in the same principles with the father, and must consequently be of opinion, that his father was unjustly put to death: I say, it is very certain, that the son will incline to revenge his father's death; therefore, for securing the tranquillity of the society, we ought to put it out of his power, or at least we ought to put it in the power of the crown to recover his affection and attachment by some new obligation. These considerations, my lords, will induce me to give my assent to the question now before us, and considering the dangerous situation we are in at present, it is, in my opinion, a sufficient excuse for the time and manner of bringing it in.

The Marquis of *Tweedale:*

My lords; as this subject has been already quite exhausted by noble lords, whose abilities are much superior to mine, I rise up only to answer some objections made to this Clause, which are founded upon mistaken notions of the laws and people of Scotland. My lords, the law passed in the 7th year of queen Anne, of which the Clause now proposed to be further suspended makes a part, was so far from being disagreeable to that people in general, that, I believe, no regulation since the Union has occasioned a more universal satisfaction. Their own laws of treason were so vague and indeterminate, and such a power was left in the breasts of the judges, that in many cases it was not easy to determine, whether a man was guilty of treason or no; and the practice of torture, which by the laws of Scotland was in some cases permitted, made those laws terrible to every thinking man in that kingdom; consequently their exchanging those laws for the mild and intelligible laws of treason in England, could not but be a satisfaction to every man there, who understood and considered the difference. There was no occasion for any compact, or for offering them any new clauses, in order to purchase their acceptance of an exchange, which was by itself alone of so much advantage to them; nor could there be any such compact, with regard to the Clause now under our consideration, when the Bill was first brought in, because the Bill itself was first brought into this House, and that Clause was not thought of till after it was passed here, and sent to the other House.

Another mistake, my lords, has happened in this debate, from a supposition, that the act passed in the parliament of Scotland in the year 1690, was repealed or altered by the act passed in the 7th of queen Anne; from whence it has been supposed that the Scots would not part with that valuable law of theirs, but upon condition, that the Clause, which is now to be further suspended, should be made a part of that Bill. My lords, the Scottish act in the year 1690 was so far from being repealed, that it was not in the least altered by the law passed in the 7th of queen Anne. To explain this to your lordships, I must observe, that the laws of treason in Scotland were, before the Revolution, the most unjust and oppressive that ever, I believe, existed in any country. By those laws, my lords, not only the attainted person, but all his creditors, mortgagees, lessees, and in fine, every one that had any thing to demand of him or his estate, became forfeited, so far at least as related to their demands upon the forfeiting person or his estate: the crown, or the grantee of the crown, entered into the immediate possession of the estate, free of all debts and incumbrances he had ever subjected it to, by which many innocent men were often ruined and undone.

This, my lords, was the state of the Scottish laws of treason at the time of the Revolution, and from this alone your lordships may judge, how oppressive they were upon the subject: but at that time the people took care to get a law passed for securing mortgagees and lessees, and for payment of the forfeiting person's just debts; and in the year 1690, another law was passed for securing all those entailed estates, where the entail was subjected to such clauses, there called irritant clauses, as made the possessor nothing but tenant for life; so that this law of the year 1690 may properly enough be called the Scottish Westminster the 2nd; and it has this advantage of the English Westminster the 2d, that it absolutely secures our entailed estates against forfeitures, because our lawyers have not yet found out how to cut off such entails by any such conceits as are here called fines and recoveries. As these laws, or at least the parts of them I have mentioned, were made, my lords, only with a view to secure creditors and heirs of entail, and no other way relate to treason: as they enact nothing either with regard to what shall be called treason, or how it shall be tried, therefore so far as

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they relate to the security of innocent men's property, they were never designed, nor ever thought to be altered by the act of the 7th of queen Anne, and according to this the practice has been ever since. With regard to the criminal prosecution and trial, they are carried on according to the form prescribed by the laws of treason in England, and they are in every thing regulated by those laws only; but in all questions relating to what is or is not forfeited, all which, as they relate to private property, must be heard and determined by our courts of equity and common law; such questions are to be regulated and determined by those laws, and forms of proceeding, which were established in Scotland at the time of the Union.

From this information, your lordships must see, that when the act of the 7th of queen Anne was passed, the Scots neither could, nor had occasion to stipulate any clause in lieu of what I have mentioned of their act of the year 1690; and therefore the lords of Scotland have no greater concern, than any other lord of this House, about the clause in the 7th of queen Anne now under your consideration; and if they had, I am fully convinced, the majority of them would readily sacrifice that concern to what is at present so absolutely necessary for the good of both the united kingdoms. I shall not enter into that complicated question, my lords, whether a representative in parliament be, upon every important occasion, obliged to ask the advice of his constituents? Whether I be obliged or not, I shall always do so, as often as I have an opportunity; but upon the present occasion it is certain, that no representative is obliged to consult his constituents; for when the kingdom is in imminent danger, and a method proposed for guarding against that danger, no representative ought to delay providing for the safety of his country, for the sake of consulting his constituents. Such cases do not admit of any delay, and therefore every member, either of this or the other House, if in his own conscience he approves of what is proposed, he not only may, but he is in duty bound to give his immediate assent, which I shall most heartily do upon the present occasion, because I think, the nation cannot be in greater or more imminent danger, unless a foreign, hostile army were actually landed in the island.

The Duke of *Bedford*:

My lords; I am glad, the noble lord has explained to us a little what the laws of treason were in Scotland, before they were compelled to submit to the exchange, that was introduced into that country by the 7th of queen Anne. Compelled, I must still say, my lords, notwithstanding what the noble lord has said upon that subject. I am persuaded his lordship said nothing but what he thought and believed to be true; but it is very difficult to judge of the voice of the people without doors; for I have always observed, that every man judges of it from the company he keeps, and if they generally approve, or disapprove of any measure, he concludes accordingly, and says, that such a measure was approved of, or disapproved of by the general voice of the people without doors. But if we judge from history, or from the nature of things, we must conclude, the people of Scotland were extremely displeased with that innovation in their laws. Bishop Burnet has told us, that the act of the 7th of queen Anne, was generally and violently opposed by all the members from Scotland in both Houses of Parliament; and from the nature of things it is not probable, that a people should be fond of parting with their own laws, which they certainly understood better than the laws of England, they knew nothing about; for they were at that time so totally ignorant of our laws of treason, that the government was obliged to print and disperse an abstract of them among the people of Scotland. Besides all this, my lords, it is certain, that our ministers at that time were of opinion, that it was not so easy to convict a man of treason in Scotland, as in England; which opinion they had formed upon some gentlemen's being acquitted in Scotland, who were tried for some treasonable practices they were said to have been guilty of, when the Pretender was upon their coasts; and this was the reason why our ministers brought in that Bill for establishing the English laws of treason in Scotland: for I must observe that the Bill was brought in and zealously pushed by the ministers, and therefore I must conclude, that it would not have been so generally opposed by the Scottish members, if it had not been universally disagreeable to their countrymen.

I must really congratulate the nobility and gentry of Scotland upon hearing, that

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their lawyers have not yet found out a method for cutting off entails, and subjecting estates-tail to forfeitures for high treason. It inclines me, my lords, to think, that their lawyers have hitherto been honester men than our lawyers in England have sometimes shewn themselves to be. In our histories we often find our lawyers wresting the laws of their country, or the words of an act of parliament, in order to gain an advantage to the crown, and to put a hardship upon the subject; but in this case, the lawyers of Scotland have, I shall not say wrested, but interpreted honestly the 7th of queen Anne; because I really think, they have put an equitable construction upon the words of that act of parliament, to the disadvantage of the crown, and in order to prevent a hardship upon the subject. The 7th of queen Anne says expressly, "That persons attainted of treason in Scotland, shall be in the same case as persons attainted in England:" A person attainted in England forfeits all his lands in fee simple or fee tail: Might not a willing judge have from thence determined, that an entailed estate in Scotland, after it came to the possession of what we call in England, tenant in tail, should become forfeited by the attainder of the tenant in tail; in the same manner as it would be in England? A willing judge, I say, my lords, might have determined so from the express words of the law, without attending to the difference between a tenant in tail in Scotland, and a tenant in tail in England; for, it seems, tenant in tail in Scotland may be restrained by irritant clauses from alienating the estate tail, but a tenant in tail in England cannot be restrained by condition or proviso from suffering a common recovery. Therefore, if the Scottish act of the year 1690 be preserved to them, for that benefit they are more indebted to the honesty of their lawyers than to the care of their legislators; and I wish their lawyers may always prove as honest; for a determination of the judges in one age, is no infallible rule for the determination of the judges in all future ages.

But now, my lords, suppose that the Scottish act of the year 1690 had been preserved to them by the express words of the statute, as well as by the resolution of their judges, yet this is no proof, that the clause in that statute for preventing heirs suffering by the attainder of their ancestors, was not introduced in pursuance of a compact with the Scottish members, and consequently with the people of that country. Their members at that time might say, our people think it a very great hardship to be obliged to submit to the English laws of treason; but if you will insert a clause for rendering the condition of the subject evidently better than it was before, they may be prevailed on to submit quietly to the innovation: our entailed-estates are already secure against forfeitures; if you will insert a clause for securing all other estates, and all hereditary dignities, against forfeitures, the people of Scotland will then readily embrace your laws of treason. This was very probably their proposal, and being seconded by many of the English members, it was agreed to; for as the clause was first passed by the other House, it was to begin to take effect at the same time with the other clauses of that Bill; and its being first brought into the other House is a proof only, that the peers of Scotland, who were then in this House, had not so much weight here, as their members who were then in the other House had there. Though the effect of this clause was suspended, by a proviso afterwards added in this House, yet still the Scots got something by their compact: though they did not get an advantage in possession, they got a very great one in expectancy; and now you are going to take that expectancy from them, without any sort of consideration.

How the noble lord can be so sure of what the majority of his constituents would do upon the present occasion, I do not know; but I am surprised to hear him say, that the nation is in imminent danger, or that it would be in imminent danger, should our agreeing to the Clause now offered to us be delayed. My lords, our circumstances would not be in the least altered by such delay; because the term of the first suspension of the Clause in the 7th of queen Anne is not yet expired, nor likely to expire for 20 or 30 years to come; it is, therefore, quite needless to think of a new term till the former be expired, or near expiring: Nay, we ought not till then to think of it, because we cannot till then determine, whether we shall have occasion for a new suspension or no; and, I am sure, we ought never to agree to it, unless we find it absolutely necessary.

Before I sit down, my lords, I must beg leave to take notice of some things advanced upon this subject by the reverend and learned prelate. He allowed, that we

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ought not to inflict punishments upon innocent children directly, but he said, that we may, and must do it consequentially; and that for this we have authority from the example of the great Author of nature. God forbid, my lords, that I should say, that Providence ever does any thing unjust; but that great example is such as we ought not to presume to follow, because the ways of Providence are past our finding out; and we may think we are following the example, when we are acting directly contrary to it. We might pretend the same example for punishing innocent children with death; for by the course of nature they are often brought to their graves, and sometimes subjected to great tortures, by the follies and vices of their parents: nay, we might plead the same great example for filling cities and whole countries with slaughter, bloodshed, and destruction; for when God Almighty brings the sword, pestilence, or famine upon a land, the innocent suffer equally with the guilty. Whatever ambitious or revengeful priests may in former ages have pretended, I am sure, none of the reverend bench will say, that any government ought to presume to follow this example.

Now, my lords, with regard to what his lordship called direct and consequential punishments, will any one say, that forfeiture and corruption of blood are only consequential punishments upon children. My lords, they are both direct punishments upon children, and upon them alone. In crimes which are not capital, a fine, or even a forfeiture, is a punishment upon the criminal: he lives to feel the want of his money or estate; and his children may suffer consequentially by that punishment. But in capital cases, fines and forfeitures are no punishment upon the criminal: they are direct and immediate punishments upon his heirs only; and corruption of blood, so far as it extends to children already born, is the same, or rather more so, if possible. Is there any natural connection between the corruption of blood in a guilty father and the corruption of blood in an innocent child? Could the one be the consequence of the other, if the law did not make it so? This corruption of blood is therefore a punishment inflicted by law directly upon the child; and consequently is expressly contrary to that divine precept delivered in the Old Testament, and, I am sure, not repealed by the New; for if it had, I am convinced, we should have heard of it in this debate, and the very words by which it had been repealed, would have been pointed out to us by some of the reverend bench.

The Duke of *Newcastle*:

My lords; the noble lords who have spoke against this question have, I confess, said a great deal for proving, that the punishments now inflicted upon treason are contrary to justice and religion; but as I do not pretend to be either a great lawyer or divine, and as both the lawyers and divines seem not only now to be, but in all ages to have been of a contrary opinion, I hope, I shall be excused, if I join in their opinion, without attempting to answer what has been said against it. Being thus, my lords, fixed in my opinion as to this point, the only other questions seem to be, Whether we are now in danger, and whether that danger would not be greatly increased, should we reject the Clause now offered to us?

That there was a design of an invasion upon this island, and that it is not yet laid aside, is as evident, I think, as the nature of the thing will admit. Whether it was concerted with the Jacobites here at home, is not material: Perhaps it was not, because the invaders were sure of being joined by them upon their first landing, without any previous concert or agreement for that purpose; but from his majesty's message we ought to believe, that it was in concert with some of them here at home; and his last speech no way contradicts that message; for though his majesty in that speech is graciously pleased to applaud the duty and affection which his loyal subjects had shewn him upon that occasion, he does not say, that there are no disaffected persons in the kingdom, or that the invasion was not designed in concert with some of them. That we are now in danger of an invasion, is therefore, I think, my lords, not to be doubted, and that the invaders, if they landed, would be joined by some of the Jacobites amongst us, is as little to be doubted. All we can do is to take the best methods we can think of, to prevent their being joined by all; and, I think, there is nothing more certain, than that a nobleman or gentleman of estate will be less ready to join an invading enemy against the government of his country, when he knows, that his family may thereby be ruined, than when he knows, that whatever he may do himself, his family can thereby run no risk.

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The Pretender's life, I shall grant, is a good life: I mean, my lords, with regard to the probability of its lasting; and while he lives, I believe, we may rest pretty secure, that but few of the Jacobites will ever join in a rebellion against the government; because, though most of them might perhaps venture their own lives for what they call their principle, yet few of them will ever venture the ruin of their families and children, unless they see a better chance for success than, I hope, they will ever have. But the best life, my lords, may drop when least expected; and if the Pretender should die but a week or two before his son's landing with an army of foreign and Irish Papists in England, I must leave it to your lordships to consider what a dangerous state we should be in. In that case, the 7th of queen Anne would directly take place, and as no man would then run any risk by rebellion, but that of his own life, the young Pretender would certainly be joined by all the Jacobites to a man, and this would give his cause so favourable an aspect, that many of those might join, who are governed by no principle, but always join that side, which they think has the greatest likelihood of success.

Surely, your lordships must be of opinion, that in this case our present happy establishment would be brought into the utmost danger; and as this is a case that may very possibly happen, I hope you will provide against it by agreeing to this Clause. It is only doing now, what, in my opinion, must be done some time or other; for let the present Pretender die when he will, such a Clause as this, I hope, if not now agreed to, will be brought in and agreed to, as soon as the parliament meets after the news of his death; because I foresee, that we shall be in as much danger from the son as ever we were from the father. Very probably we may be in much greater: he may become sensible of his father's folly in obstinately persisting in a religion, in which he was educated by a bigotted father and mother: the son may see how ridiculous it is, to rest his claim solely upon those antiquated doctrines of passive obedience and indefeasible hereditary right. For this reason he may come to declare himself Protestant; and to endeavour to set himself at the head of that party in England, who are but too apt to run so heedlessly and so blindly after liberty, as to fall headlong into the gulph of arbitrary power.

I am far from thinking, my lords, that he can ever be a true Protestant: I am fully convinced, that any revolution in his favour would be the establishment of slavery; but if he should politically declare himself a Protestant, and promise great concessions in favour of liberty, he would find confidence among many of those who are extravagant in their notions, and in their pursuit of liberty; and that party will always be much more numerous in this nation, and more enterprising, than ever the party was or can be, that is governed by the ridiculous notions of passive obedience and indefeasible hereditary right. These two parties, though in their principles diametrically opposite, would, however, in that case, depart from their former mutual animosity, and join together in the same scheme of politics; and if this should ever happen, our government would certainly be in greater danger from the son than ever it was from the father. Therefore, I hope, during his life, we shall not depart from any of those securities we have at present; consequently, we must suspend, during his life and his brother's, the 7th of queen Anne; and as I have already given a very good reason, why it should be done directly, I shall be for agreeing to the Clause now offered to your lordships.

*Debate in the Lords on the Bill for making it High Treason to Correspond with the Sons of the Pretender.**] April 27. The order of the day being read, (See p. 704.)

Lord Chancellor *Hardwicke* said:

My lords; after the Message which we have received from his majesty, I need not inform your lordships of the danger which threatens us, or the calamities that impend over us; I need not point out the preparations of France, nor expatiate upon the unextinguishable and hereditary hatred, with which that nation pursues us from one century to another, the incessant vigilance which is employed to watch every opportunity of harrassing, oppressing or enslaving us, nor the mighty power which is now collected, the magazines that are formed, and the fleets that are equipped for the extension of dominion, and the destruction of liberty.

The designs of this restless and ambiti-

* The following Report of the same Debate is taken from the Gentleman's Magazine, for January 1745.

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ous nation have been sufficiently discovered to us by the Message which we have received; it appears that the repeated disappointment of their schemes has not yet compelled them to lay them aside, that they still pursue the measures which were contrived by their late monarch, that they still continue to grasp at universal monarchy, and, in order to the more easy accomplishment of their design, still propose to give a king to this country, a king who, when he owes his crown to their assistance, may have no desire of opposing them, and whom, though they should excuse him from tribute, and flatter him with the appearance of supreme command, they may always consider as their vassal, and oblige him to support their interest.

This, my lords, was the design which, in the last reign, they prosecuted with unwearied industry, and with resolution proportionate to the advantages which they might promise themselves from success. When king James fled to their country for refuge, they considered themselves as blessed with an opportunity of becoming masters of England without the dangers of an invasion, or the invidious name of a conquest; they imagined, that by assisting sometimes with money, and encouraging sometimes with promises of supporting the party of the fugitive king, they should at length kindle a civil war in this country, in which the forces of both parties would be so near to an equality, that they might, by the addition of a few troops, turn the balance, and give the victory to those by whose success their interest would be most promoted.

With this view, during the life of king James, declarations were every year published, by which the people were incited to insurrections in his favour, and persuaded to restore him to the throne which he had lost; and the French had assembled a fleet to transport him with an army hither, which as soon as it put to sea, was destroyed by the English.

When the king died, they did not yet desist from their scheme; though they had less reason to hope for success, when the interest was extinguished, which arose from the personal regard that great numbers of Englishmen must be supposed to retain for their late monarch. They therefore, immediately recognised his son as king of England; and all opportunities were taken of recommending to the English a change of the laws by which the succession was limited, and a revocation of that family, which their own weakness and tyranny had driven away.

When they were convinced that the people were inclined to listen to these persuasions, and that the Pretender to the British crown would be well received, they sent him with a small fleet to take possession of his hereditary dominions; but the English government, having notice of their design, sent out a squadron to intercept the imaginary monarch, who was obliged to return without any accession to his dignity; and had reason to congratulate himself upon his escape from the hands of those whom he came with expectations of subduing and governing.

It its well known that the Spaniards, in the late war, landed forces upon the northern parts of this island, with the same pernicious design; and every nation that has any disputes with us, will always conclude, that the most easy method of embarrassing us, must be to raise the spirit of the Pretender's party, by promises of assistance; and to inflame those, whom either their principles of policy, or religion, alienate from the present establishment; or who are discontented at the disappointment of their ambition, and the neglect of their abilities; that at last a civil war may be produced, and the nation weakened by its own efforts, till it can no longer oppose a foreign enemy.

With this view, my lords, the French were preparing to invade us with an army, headed by the son of the Pretender, in whom they repose more confidence than in their troops, or their fleets. They are sufficiently acquainted, my lords, with the valour and numbers of the English nation, to know that, if we are united, we have very little to fear from any foreign force; and that we can be conquered only by our discords, by which they flatter themselves that one party will be armed against the other—an expectation, I hope, without any real foundation; but of which the perpetual struggles in our government must be allowed to furnish some probability, especially to the subjects of a despotic sovereign, under whom all are accustomed to appear unanimous, because no man dares speak his thoughts, unless they are consistent with the designs and opinions of his governors. To such, that disagreement and opposition, which is the necessary effect of freedom, appears the consequence of weakness; and what is to us a proof of a firm establishment, seems to them a symptom of a tottering constitu-

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tion. They imagine, that all those who disapprove the measures of the administration, desire a change of the government; because to them the administration and the government are nearly the same; nor do they doubt, but those who dare proclaim their uneasiness so publicly, which among them is scarcely whispered in a corner, are universally exasperated, and sufficiently daring to draw their swords in defence of their positions, and endeavour to destroy that government which they so loudly censure.

They therefore, my lords, think it necessary to appear zealous for that family which claims the crown of this nation by hereditary right, and whom they imagine to have more numerous friends in this island, than I believe they will find, if they should ever venture to land among us; for nothing is more evident than that the foundation of their hopes is false, and that they will be so far from receiving any advantage from our disputes in this House, that we shall not willingly lose a form of government, in which we enjoy the right of disputing.

It is likewise well known to us, my lords, though not to our enemies, that many of those who oppose the public measures as members of this House, are, in their domestic characters, friends, even to those whose conduct they censure; and that they who profess themselves enemies, if any such there be, to the ministers as well as to their conduct, are nevertheless zealous for the constitution, and desirous to perpetuate the great blessings of true religion, and inviolable liberty, to all their posterity.

I would not, therefore, be thought to intend any censure of the freedom of debates, or to insinuate the necessity of any blind acquiescence in the schemes of the ministry; for our constitution, my lords, as it was raised by liberty, must be supported by it; and debates are necessary to the discovery of truth, as suspicion is necessary to restrain natural arrogance of power.

But though I am far from imagining, my lords, that our danger is such as our enemies represent it to others and to themselves; though I am convinced that far the greater number of the English people would be unwilling to change the present constitution for an arbitrary government, unwilling to subject their property to the caprice of a monarch flushed with new power, and exasperated by imaginary wrongs, and to ministers rapacious by long continued hardships, and insolent with unexpected success; yet it cannot be doubted that there are others, who would be pleased, at any expence, to behold either the son, or the grandson of James 2, upon the throne; and who would think it the highest merit in the sight of Heaven to contribute to their exaltation.

That this, at least, is the opinion of the other House, is apparent from the Bill which they have now sent us, in which they have endeavoured to raise new fortifications against our latent enemies, and to secure our constitution against those who are secretly wishing to overthrow it, and who want nothing but the countenance of some greater power to encourage them to an open rebellion against their lawful sovereign.

The state of the nation may naturally be supposed best known to the Commons, to men whom their general acquaintance with the inhabitants of particular counties or cities advances to such a degree of confidence and favour, that they are intrusted with the highest charge that can be conferred by one man upon another; the power of making laws, and of raising taxes.

It is evident, my lords, that the experience of these persons informs them that the constitution is not yet sufficiently strong; that the secret poison of Jacobitism is not yet wholly expelled from the veins of the political body; and that, therefore, some more efficacious methods are necessary to prevent the contagion from spreading to the sound parts, and exerting its malignity in some fatal disease.

Nor can their fears be contemned as groundless, by those who consider how much it is the interest of our enemies that Jacobitism should prevail among us; how much it would embarrass the public counsels; how much it would retard the execution of the most important designs; how much it would distract us with mutual suspicions, and how much it would harass us with the necessity of incessant vigilance. For, my lords, it cannot be doubted that they who every day squander their treasure in projects, of which the consequence is more dubious, and the advantages are more remote, will sacrifice very large sums to the employment of emissaries who shall be furnished with specious fallacies for the propagation of opinions so favourable to their grand intention of oppressing mankind, and who may, by an assiduous

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inculcation of unlimited obedience, prepare the world for the admission of universal monarchy.

The wisdom of the other House has, therefore, thought it necessary to take from our enemies the hopes which may incite them to any enterprize against us, by depriving them of the only means by which they can prosecute it with success. With this view they have sent up a Bill which contains many excellent provisions for our general security, and which, if it be passed into a law, may contribute very much to the perpetuating of our present constitution, and be regarded, by our posterity, as one of the strongest barriers of their privileges and rights.

But, my lords, this Bill, though formed with great wisdom and discernment, and, so far as it proceeds, very well contrived to promote the purposes intended by it, is in my opinion, not so near to perfection but that it may yet receive improvements. New securities may still be added, and I hope, my lords, while any thing can be added to our security, it will not be thought that we are sufficiently safe; for this is a design which ought not to be thrown aside till it is perfected, because it cannot be thrown aside but for something of much less importance. That the proposal which I am about to offer may be more easily understood, I think it necessary to move previously that the 10th section of the act made in the 7th year of queen Anne for improving the Union may be read. [Which being read he went on thus:]

Your lordships may observe, that though it was judged necessary by our legislators, in a time of danger, that forfeitures should be extended to the heirs of those who should attempt to infringe the constitution, yet it is plain, that they imagined the danger to be such as grew every day less, and therefore fixed the time for the determination of a severity which they thought justifiable only from necessity; by enacting, that after the death of the Pretender, none should suffer for treason but those who committed it; and that the estates of rebels, or of traitors, should return to their heirs, without any diminution by the crimes of their progenitors.

But, my lords, it is apparent, that they proceeded upon the supposition that the law by which the forfeiture was appointed, would continue as long as the danger which it was intended to obviate; and that there would, after the time limited for the operation of that act, be none remaining who would be inclined to change the constitution, or contribute to the advancement of another family to the throne. That this was their opinion, and this the principle upon which they founded their proviso, is evident, because it is absurd to oppose weaker obstacles to attempts equally forcible, or to withdraw, while the danger remains, those securities from which we expect protection against it.

Since it, therefore, is found by experience, that the danger yet continues; that the people of England have not recovered from their error so soon as their ancestors expected, nor our enemies been discouraged from continuing their attempts; since it is certain that the son of the Pretender is now proposed to the English for their sovereign, in the same manner as the Pretender himself has formerly been; since the French still continue to make war upon us by fomenting discord, and inciting rebellion, it is, in my opinion, proper, that the Clause now read should be suspended, and that the expiration of the penalties and forfeitures to be incurred by the descendants of traitors, should be delayed to the death of the sons of the Pretender. The prolongation of this term, my lords, will, I suppose, be readily approved, because I know not any ill consequences which the public can suffer from it, and the particular convenience of private persons is always to be considered as secondary to the general prosperity.

With regard to the justice of this extension of the operation of a penal clause, it may be supported, my lords, by the same arguments with that of its first enaction; for though it is certain, that the punishment of any man for crimes which he did not commit, has the appearance of cruelty and a wanton delight in pain and punishment, yet it has been generally agreed, that there may be occasions, in which the urgent necessities of the state may supercede that justice to which every private person has a claim from other private persons—It appeared to those by whom this law was made, that the danger of being compelled to raise the Pretender to the throne, was such as justified this deviation from the general rules of right; and if the law was then proper, it is not less proper to continue it; for the danger is not now less than at that time, and the same degree of danger requires the same provisions for security.

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I move, therefore, that the committee be instructed to receive a Clause for continuing the penalty of treason upon the posterity of those who shall be convicted of it, during the life of the Pretender to the crown; and that the Bill thus amended (for every alteration, though it be for the same purpose with those offered by the Commons, must be called an amendment), be sent down to the Commons for their concurrence.

The Duke of *Bedford:*

My lords; though I hope that I have never given reason for suspicion that I am less zealous than any other lord for the security of our present constitution, or the defence of the family now upon the throne: though I desire to be considered as equally zealous for liberty, and equally tenacious of those laws which secure property, with every other man; though I am convinced that a prince forced upon us by the armies and fleets of France, will become only the viceroy of the monarch to whom he owes his exaltation, and that we should be thenceforth considered by the French as their tributaries and vassals, yet I cannot approve the motion which the noble lord has made.

Your lordships cannot be surprised that I am alarmed at the proposal of a law like this: I, whose family has suffered so lately the deprivation of its rank and its fortune, by the tyranny of a court; I, whose grandfather was cut off by an unjust prosecution, and whose father was condemned, for many years, to see himself deprived of the rights of his birth, which were at length restored to him by more equitable judges. It is, surely reasonable, my lords, that I should oppose the extension of penalties to the descendants of offenders, who have scarce myself escaped the blast of an attainder.

I am very far from denying, my lords, what has been asserted, that the French have long been aspiring to universal monarchy; that they consider their projects as liable to be defeated only by the English; and that they have, therefore, for many years laboured to give a king to England; but, my lords, the ill success of all their past attempts convinces me, that they have nothing to hope from any future efforts of the same kind, and that, therefore, we need not have recourse to new degrees of severity, or enact penal laws of an extraordinary kind to prevent that which experience has shewn impossible to be accomplished.

What could not be accomplished by the power, or the policy of the great French monarch, may very justly be considered by his successor, as an hopeless project; for the French counsels do not now appear to be guided by the wisdom which at that time was discovered in all their treaties and negociations; nor have their arms yet acquired that reputation which filled half the nations of the world with terror. They are not able now to influence kingdoms by their manifestoes, or to revive a dejected party by the promise of their assistance; they are now indeed wealthy and powerful, but they are not wealthy to such a degree as to hire the nation to destroy itself, nor so powerful as to sink it to despair.

Besides, not only the force which is to be employed against the fabric of our constitution is diminished, but the edifice grown stronger by time, the basis is sunk deeper, the superstructure is become more solid, and all the parts have, by degrees, conformed to each other; so that there is no chasm or weakness to be found. Many circumstances, by which the French were formerly induced to hope for success, have now vanished for ever. The nation was then divided into two parties, of wich that which publicly avowed the desire of restoring the exiled family to the throne, was generally computed to be more numerous. This infatuation, my lords, is now at an end; the numbers of the Jacobites are reduced to a small sect below consideration, and seem now more desirous to enjoy their opinions in peace and privacy, than to make proselytes, and to be tolerated by the lenity of the government, than to endanger themselves by new provocations.

The English people, my lords, are now consolidated into one body, and move uniformly together; they have, at last, discovered that nominal distinctions are only idle sound, by which they have been long amused by more parties than one, while they were plundered and oppressed. And whosoever shall review the conduct of the people for about twenty years backwards, shall find that they have every year appeared better informed of the true nature of our government, and that they have sacrificed all narrow views, and petty considerations, to the great scheme of general felicity; that they have acted steadily, resolutely, and wisely; and that, in their regard for one man, or their opposition to another, they have considered truly how

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far the public good was promoted or obstructed by their counsels.

On the present occasion, my lords, they have given the fullest proof of their loyalty which they are able to exhibit, by innumerable addresses sent from all parts, and drawn up in terms which express the firmest fidelity, and the warmest affections: professions, my lords, which surely deserve some other return than the severity of a penal law, a law by which one person is condemned to suffer for the crime of another.

As it is necessary, my lords, that subjects should obey their governors, so it is likewise reasonable that governors should trust their subjects; at least, that they should not studiously disgust them by groundless suspicions; for when the people see that no degree of obedience can recommend them to regard, they will naturally lose their affection for their superiors: and when their affection is once extinguished, if they do not violate their duty, they will, at least, neglect it.

To be suspected, my lords, is always offensive; and as a suspicious man is perpetually harassing himself with superfluous vigilance, disturbing his quiet with dreams of danger, and wearying himself by providing securities against violence or fraud which never was designed; so a suspicious government always defeats its own endeavours, and, by destroying that popularity to which it must always trust for its defence in time of real danger, weakens itself. The multiplication of penal laws, the establishment of armies, and the distribution of pensions, the usual methods by which weak governments endeavour to strengthen their basis, are all transitory and uncertain supports, which the first blast of general discontent may drive before it, and which have a tendency to produce that rage which they cannot furnish the means of resisting.

I think it, therefore, necessary, my lords, to oppose this motion, because I think it my duty to preserve the government from the greatest of all evils, the loss of popularity; and am of opinion that ten thousand penal laws cannot so much contribute to the perpetual establishment of the royal family, as one act of confidence, condescension, or bounty, by which the affections of the people may be conciliated.

But this, my lords, is not the only argument against it, by which I am inclined to deny my concurrence. It ought to be always remembered, and by me shall not easily be forgotten, that we are here assembled to deliberate, not for any particular purposes, or narrow plans, but for the great end of society, the general happiness; that as we are not to gratify the caprices of the people, by vilifying the dignity, or restraining the power of the throne, so we are not to appease the suspicions of the throne, by sacrificing the safety or honour of the people; we are to support our sovereign, indeed, but not by such means as destroy the ends for which sovereignty was established, the public welfare, and common security.

The motion is, therefore, in my opinion, wholly indefensible, because, though it should be granted that it may add some security to the throne, it must, in proportion, impair the happiness of the people, as it must fill the nation, in this time of general commotion, with anxiety, and oblige almost every man to the unnatural and unavailing care of watching the conduct of another, and at last must involve thousands in undeserved misery, by punishing them for crimes which they did not commit, and which they could not prevent, and inflicting penalties, therefore, which can have no other effect than that of enriching, by forfeitures, the minions of the court.

These reasons, my lords, are surely sufficiently powerful to justify me in opposing the motion; and yet there remains another, which, perhaps, may, when it is fully examined, appear equally weighty. Notwithstanding the happiness of our present state, the protection of our rights, and the security of our property; notwithstanding the confidence which may be reposed in the equity, the moderation, and the wisdom of his majesty, and the hopes which we may reasonably have of being governed to all succeeding ages by his illustrious descendants, with the same justice, magnanimity and prudence, yet I am not yet confident that these hopes may not be disappointed. I know not any evidence by which I can ascertain the continuance of these blessings, or by which I can prove to the people of England, that there never will come a time in which a superstitious, an ambitious, or a tyrannical prince may once more attempt the subversion of their rights, the seizure of their properties, or the abolition of their religion. I am not certain that our constitution is so strongly built, that it can never want repairs, or that our laws are so

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judiciously formed, as that they may not become, in the hands of rapacity, the tools of avarice, or, in the hands of cruelty, the scourge of oppression.

Whenever this fatal period shall arrive, it must be granted, my lords, that another revolution will be necessary, and that every law, which shall hinder the people from making use of the only remedy which then remains, will obstruct the public happiness, and counteract the great design of government; and, surely, my lords, a law which involves the son in the guilt of his father, must naturally extinguish that ardour of patriotism by which all revolutions have been accomplished. For who will be found sufficiently hardy to oppose the crown, when, if he should happen to fail, he must not only perish as a traitor, but sink his whole posterity in poverty and disgrace?

Since, therefore, my lords, it appears to me not more likely that the king of England will be in danger from his subjects, than that the people of England will be in danger from their king, I think it convenient to hold the balance equal between them; as I would not give the people any exemption which might encourage them to rebel, I would give the crown no such prerogatives as may encourage any future monarchs to oppression. Thus, my lords, I have laid before you the arguments which influence me to disapprove the motion, and which will, I believe, determine me to vote against it; for though I am desirous to secure the throne, I would not willingly secure it by disarming the people, but by placing them as guards before it. The dependence of the monarch and the subjects ought to be on reciprocal affection, and mutual assistance, and therefore neither ought to imagine that any increase of safety is to be obtained by diminishing the legal privileges of one, or violating the natural rights of the other.

Lord *Ilchester:*

My lords; the Clause for which the noble lord has moved, is, in my opinion, so just in itself, and so necessary in the present conjuncture, that I cannot but think it the duty of every man to promote it, who sincerely desires the continuance of our liberties, and the perpetuity of our constitution; nor can I suggest to myself any arguments that can influence any lord, who shall impartially and deliberately consider it, to deny his concurrence.

For my part, I shall confess, without scruple, that since it is allowed likely to add some security to the present royal family, I need no other arguments to persuade me to support it; for I think it my interest, and that of the nation, that every method of fixing the inconstancy of events should be employed for the continuation of his majesty's posterity among us; that every avenue of innovation should be shut, and that the barriers which defend our constitution should be every day multiplied, that our enemies may, in time, lay aside the hopes of forcing them.

If the Clause now before us be attentively considered, it will be found, my lords, that its effects must necessarily be salutary, and that it either cannot operate at all, or must operate for the advantage of the public. It must be granted, my lords, that either there are or are not such numbers of Jacobites among us as may some time attempt the subversion of the state. If there be no such enemies to our happiness in the nation, the law must lie for ever inactive, and no complaint can be made of that penalty which will never be inflicted; but if we really are, as there is reason to suspect, in danger of treasons or insurrections; if there are still to be found great numbers who would eagerly join the first invader, and co-operate with our declared enemies in the destruction of their native country, it surely cannot be thought improper to provide some new securities against them; for, why should any methods be neglected which may contribute to the public safety?

With regard to the hardship of this law, it is to be observed that the severity of it can only be in proportion to its use; if there be many Jacobites in the kingdom, there is, indeed, danger that many may suffer; but then it is necessary that some terrors should be always placed before their eyes, to hinder them from attempting those innovations to which their principles incline them; if there be few, the chance of oppression can fall upon few; and if their numbers be supposed less, the danger of severity will decrease in a double proportion; for it is not only to be considered that where there are few to offend, there are few to suffer for offences, but that those few are less likely to incur punishment than the same number out of a greater body, because the sense of their weakness discourages them from attempting any alterations in the government.

If there are no Jacobites, my lords, then the law is without an object, and though

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it may be urged that it is then of no use to enact it, yet it may be replied, that though the lords who are convinced that there is no reason for the fears with which some seem to be affected, may think the nation secure without this law, yet they ought not to deny others, who are not equally happy with themselves in their opinion of the present state of the nation, the satisfaction of any additional protection; since, upon their own supposition, the penalty can never be inflicted, because the crime, which it is intended to punish, will never be committed.

Lord *Hervey*:

My lords; though, in the short time for which I have possessed a seat in this House, I cannot flatter myself that I have so much enlightened my mind, by the attention, however diligent, which I have paid to your deliberations, as to be qualified to mingle my opinions with those of lords so long versed in questions of state; yet, having already experienced the indulgence with which your lordships are pleased to hear those who can be recommended to regard only by the honesty of their intentions, I shall venture to lay before you what my reflections suggest to me on the present question.

On this occasion, I shall, perhaps, speak with a degree of confidence not very decent in this House, but which may be, at this time, more easily pardoned, because to the decision of the point now under our consideration no great extent of knowledge appears to be required; for surely two men, whose experience or abilities are very different, may yet know with equal certainty that no man ought to suffer penalties who has not deserved them, and that it is contrary to justice, to reason, and to all the principles of society, to punish one man for the wickedness of another.

What can be alleged in defence of this practice, or why it is at this time proposed, I am quite unable to conjecture; it surely cannot be said that the people have lately discovered any uncommon inclination to rebellion, for the court has been crowded with daily addresses, in which almost every class of men have declared their resolution to defend his majesty, and to support the government.

If therefore this be thought, by the ministry, a proper opportunity for increasing their influence and extending their authority, by what conduct can the people be secure? or by what means can the rapacity of power be restrained? If the nation expresses any discontent at those measures which produce ignominy, beggary, and confusion, it is then necessary to hold the disaffected in awe by a standing army; if they proclaim, by hourly addresses, their resolution to adhere to their sovereign, their loyalty furnishes an opportunity for the introduction of a new penal law, a law contrary to all the laws of human kind, which yet they are expected to applaud, lest they should appear to contradict their late professions.

Thus, my lords, an artful and ambitious minister finds no time improper for the advancement of his own power, but makes use of every occurrence to the single purpose of aggrandising himself, under the specious pretence of exalting his prince; but I hope those lords, who have hitherto appeared the guardians of the rights of the people, will not suffer such fallacies to pass undetected, and that the House will reject a clause which, whenever it shall operate, must operate without justice.

As, therefore, this Clause is contrary to reason; as it is contrary to the universal law of equity implanted in the mind of every rational being, and as it has been so fully evinced, by the noble duke, to be contrary to true policy, and the principles on which the Revolution was conducted, and on which the present government is founded, I hope it will be no longer promoted or defended.

But if this hope should be deceived, and cruelty and absurdity should still find an advocate, yet as it is opposite to a declaration of the highest authority, I think it natural to expect that the right reverend prelates will unanimously rise up against it; since they cannot forget, and I ought therefore to ask their pardon for mentioning it, that it is the unalterable decree of the Divine Legislator, "The father shall not suffer for the crimes of his children, nor the children for those of their father."

The Earl of *Cholmondeley*:

My lords; the Clause which has given occasion to this debate was so well defended by the noble lord who proposed it, that I did not question its admission, or imagine that any objection would have been offered against it. Nor am I convinced by the arguments which the noble lords who oppose it have produced, that it is less reasonable than at first appeared;

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for the reasons which they have been pleased to urge against it might more properly, in my opinion, have been offered in its favour.

To prove that the enaction of new penalties is unseasonable, the late addresses have been mentioned, in which all the corporations of the kingdom have declared their detestation of the designs formed against our liberties, our religion, and our happiness, and have protested their resolution never to quit the defence of their birth-right, or of that monarch by whose paternal protection they have so long enjoyed it.

That such addresses have been sent from all parts of the kingdom is undenied; and from these addresses, of which the sincerity is not to be doubted, what can be inferred but that every man is so well satisfied with the present state of the community, that he would dread any change as the greatest calamity; and that they will therefore think it the greatest act of kindness that can be done by your lordships, to hang new shackles upon rebellion, to retard the motions of disaffection with new obstacles, to secure the liberties which, under the present families have been so peaceably enjoyed, with more coercive laws, and to oppose new terrors to faction and to treason.

Such, my lords, the late addresses discovered to be the present sentiments of the British nation; they are at length contented with liberty, and have lost that lust of innovation by which they had been so long unhappily distinguished; they are no longer bigots to a sound, or ready to hazard all the real blessings for the chimerical pleasures of promoting a favourite notion in politics; they are convinced that our present form of government is most likely to promote happiness and secure property, and therefore they have no desire to try the dangerous experiments of another change. And what, then, can be more acceptable than a law by which those who may have formed any hopes of growing great by the ruin of their country, may be discouraged from following their inclinations, and assisting any person who shall pretend himself entitled to the crown of England?

That this Clause should now be admitted, and that all the penalties of treason should be continued during the life of the two sons of the Pretender, is apparently necessary, since we see one of them supported by the most powerful and most implacable of our enemies, and find an invasion projected in his favour. Nor are we in danger only from the forces with which the French will assist him; for his emissaries and friends have endeavoured to facilitate his reception, by insinuating, that he is of the same religion with ourselves; a report which, artfully and diligently propagated, may influence many to think favourably of his pretensions: and it is, therefore, proper, that your lordships should prevent so fatal a deceit, by shewing, that you regard him as equally dangerous with his father; and consider any design of assisting him, as no less criminal than those which a foolish zeal for his father has formerly incited.

These, my lords, are the arguments with which this Clause may be supported; and supported beyond the possibility of a reply: and for these reasons, I shall willingly contribute my vote to its enaction, as a provision necessary to the public happiness, and to the security of England.

Lord *Talbot*:

My lords; though the languishing condition of my health almost incapacitates me to deliver my opinion to your lordships, yet, since this question seems to demand the opposition of every man of integrity, I shall struggle with my constitution, and endeavour to discharge my duty to my country, with whatever difficulty, weakness, or defect.

I am the more desirous to summon strength sufficient to address myself to your lordships on this occasion, because, in my opinion, the noble lords who have hitherto opposed the motion, have proceeded with caution superfluously scrupulous; and though they have reasoned with great strength, invalidated all the arguments which have been advanced in defence of the motion, and urged against it reasons which its most zealous advocates, however their abilities may be sublimed by interest, will not be able to confute; yet, they have not shewn the question in its true light, and have therefore not excited those emotions which will arise in every honest breast, when the true state of the facts upon which this Clause is founded, the manner in which it is proposed, and the real motives for proposing it, shall be clearly displayed, and attentively considered.

That I may be permitted to declare, without interruption or censure, my opinion with regard to the question now be-

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fore us, it is necessary to observe, that I shall use the same liberty in considering the late message from the throne, as is always allowed in deliberations upon the speeches with which our sessions are opened. I shall consider the message like a speech; not as the act of the king, who only repeats the intelligence which has been given him, but of the minister, by whom the information was given, and who advised his sovereign to communicate it to the House.

It is, therefore, my lords, not to be considered as any act of disrespect or disaffection to his majesty, that I declare the message which we have lately received, to be an imposture and a fraud: that I affirm the author of it to be a calumniator, and a slanderer; to have injured the people of England, by an accusation apparently false—an accusation which he cannot support by any evidence, or appearance of evidence; and that he has dishonoured his sovereign, by making him instrumental to an odious forgery; and advising him to declare, in a message to his highest council, that which, upon examination, will be found not to be either certain or probable, and which was suggested only by the fears, the subtlety, or the folly of his minister.

For nothing, my lords, can be at greater distance from evidence or fact, than the affirmation contained in this message, that an invasion is encouraged by the natives of England; that the French are invited by a party among us, to send armies on our coast for the subversion of our government; and that the Pretender, friendless and helpless as he has long appeared, has yet, in this nation, a body of adherents, so numerous and so powerful, that it is necessary, by a new law—a law of extraordinary extent in its influence, and of severity, if not without example, at least without reason—to secure the sovereign of England from being dethroned by his own subjects.

It is sufficiently apparent, my lords, from the Addresses with which the first rumour of an invasion crowded the court, how little any change of the essential parts of our government is desired by the people; and how much they dread any alteration in those laws by which the Protestant succession is established—and established beyond the possibility of being broken by any outward violence. They have abundantly testified, my lords, their conviction of the necessity of supporting the royal family for the continuance of their own liberties, and the maintenance of their own possessions. They have shewn, that they are not insensible of the happiness of legal security, and constitutional independence; and that they are not sufficiently infatuated to give up the blessings which, though not dearly purchased, were yet bought at a very high rate: that they are not willing to submit themselves to the mercy of their king, when they may be governed by their own laws; or to hold those privileges by royal favour, which they now enjoy as part of the rights of their birth. They have given proofs that they are no longer unacquainted with the difference between a legal and arbitrary monarch; and, in my opinion, my lords, there is no great reason to imagine, that those who choose a form of government for themselves, will be mistaken in their choice.

These Addresses, my lords, are open and uncontrovertible proofs of the loyalty of the people; and ought to convince us of their affection, unless some evidence of equal weight shall be produced against them; and, therefore, till the vindicators of this new Clause shall be pleased to inform the House upon what proofs they found their accusation of the people, they have no right to offer it; for every man, and every nation, have a right to be supposed innocent, till their guilt is proved; and the production of evidence, is always the task of the accuser.

We have already heard the charge of disaffection denied by the nation, and denied with universal ardour, and general protestations; but the charge is still urged by the ministers, who seem to regard the declarations of the people as idle sounds. But what right, my lords, has any minister to form suppositions to the disadvantage of the people; or to indulge suspicions of disloyalty, when they are countenanced by no appearances? Have they discovered any secret correspondence with the enemy? That correspondence, my lords, is only the crime of those who engaged in it; and can give them no right to censure, to punish, or intimidate the people. Have our enemies been industrious to disseminate accounts of the number of their friends, the ardour with which they are invited, and the assistance which they expect to receive? Those accounts would, by any other ministers, have been considered only as hostile artifices, and despised for their weakness and ridiculed for their inefficacy. Any other government would have made such reports instrumen-

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tal to the increase or confirmation of its popularity; and would have taken the opportunity of securing the affection of the public by some act of unusual confidence, rather than, by a declaration of suspicion, have given their enemies reason to believe that they had, without knowing it, reported the truth.

Nothing, my lords, can give any government a right to enact extraordinary penalties, but the apparent and indisputable certainty of extraordinary danger; and if of such danger no proof can be brought, the message must be regarded as a forgery by which those who had first deceived his majesty, have endeavoured likewise to deceive the House; and the Clause which, in consequence of that message, has been proposed, must be rejected as an act of unnecessary tyranny, by which the affections of the people may be alienated from their sovereign, but by which no additional security can be obtained; since it can only compel, by fear, that which the people are already inclined to practise by affection; and because no monarch can imagine that it can conduce, either to his honour or interest, to be feared more, if he is to be loved less.

The manner of proposing this clause is a sufficient proof that its authors are conscious of its unreasonableness; for it cannot now be debated with the leisure and accuracy which have hitherto been thought necessary in the enaction of those laws, by which the smallest property is ascertained, or the slightest privilege imagined to be endangered; for the end of the session now approaches, and the Bills that are now offered must be either postponed, or precipitated into laws without due examination.

Surely, my lords, it cannot be observed without astonishment, that a penal law of an extraordinary kind, a law by which the fortunes of our latest posterity may be endangered, a law on which the fate of the greatest families of the nation must depend, should thus abruptly be forced upon us; that our ministers should shackle the people with less ceremony, and less deliberation than they would use in determining the erection of a turnpike, and the improvement of a road; and I cannot but wonder that such indecent conduct has not incited the House to an universal indignation, and that we sit with so much patience to see the courtiers set snares for our posterity, and establish slavery by penal laws.

With regard to those by whom this Clause is offered and defended, I would not, indeed, be imagined to wonder at the methods which they have taken to introduce, or the art by which they have avoided the danger of more deliberate enquiries, and more accurate debates. They, my lords, who can invent and defend a law like this, are not to be touched with shame at the conviction of irregularity; he that will do wrong, will not scruple to accomplish his design by wrong means; and for my part, my lords, I am so far from blaming the measures of our ministers, that had I the same ends in view, I should certainly pursue them in the same manner; and the same dispositions which could determine me to justify this Clause, would incline me likewise to applaud the dexterity which has been exerted in conducting it.

But, my lords, I have not yet prevailed upon myself to approve either the substance or the circumstances of this law; I think its tendency pernicious, and its principle false: I think that this Clause, thus detestable, and thus destructive, is proposed in a manner fraudulent and dishonest; and that if it should pass, though it may have all the legal sanctions which give efficacy to our laws, yet, in a rational or moral consideration, it can scarcely be esteemed an act of this House, but an act of the ministers.

It is well known, my lords, that the Bill now before us was sent up from the Commons in another form, and that it has received so many alterations in this House, that its original intention is almost forgotten, and the first plan almost hidden by the additions which one proposition after another has produced. The Bill thus amended must now again pass under the inspection of the Commons, and our alterations must be confirmed by their suffrages.

But now, my lords, as usually so near the end of the session, the greatest part of the Commons have retired to the enjoyment of domestic pleasures, and the care of their estates, a care certainly very necessary in these unhappy days of enormous taxation: nor can it be supposed that they will return to the examination of this Bill, which they may consider as having already past the examination of their House.

It is probable, my lords, that those who concurred in passing the Bill; a Bill, as it then stood, reasonable and just, may not imagine that the alterations made by your

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lordships are of great importance; nor suspect that a Bill, drawn up for the defence of liberty, has been depraved in our hands, into an instrument of oppression, or that we have contrived to enslave and plunder posterity, by amending a Bill made for the security of their rights, and the continuance of their happiness.

It is therefore not to be expected, my lords, that of those who have now receded any will return; because many will not hear of the danger of their posterity till it is too late to prevent it, and of those who may by chance be informed, some will be indolent, and some negligent, and some perhaps timorous. Some will resolve not to disturb, by any new fatigues, that quiet which a tedious attendance has inclined them to rate, perhaps above its value; some will lose in jollity and diversions all solitude for the public, and some will congratulate themselves upon that timely departure, which exempts them from the necessity of opposing a law in which they could not concur, and disgusting, by opposition, those whom, perhaps, in private life they are desirous of gratifying; they will please themselves with considering that they did not concur in this fatal law, and think themselves exempt from reproach, since they were not present when it was proposed, and the consciousness that they do not approve will give them, in their own eyes, the merit of opposing it.

Thus, my lords, it is possible that this hateful Clause may pass through the thin remains of the House of Commons, in which scarce any are now left but those whom dependence condemns to tug at the oar, and to attend to the last moment the schemes of the ministry. But let me once more enquire, my lords, whether a Bill thus passed by stealth has, in the eye of reason, the force of a law; whether the people ought to think themselves obliged by a statute to which no consent was asked in that House, where the collective body of the people is represented, but the consent of men whose determination was known before it was pronounced, and to whom the recital of the Clauses was an empty form, since it is reasonable to imagine that they enquire not what laws they enact, or by whom they were proposed.

Let us yet, before it is too late, consider the importance of the Clause now before us; let us weigh well the influence which it must necessarily have on the conduct of future ages; let us consider the severity of the penalty proposed, and the injustice with which it must always be executed; and then determine whether it does not require a longer debate than the reparation of the highways.

The Clause is, indeed, so invidious in its appearance, so destructive in its tendency, and so indefensible by any moral or political arguments, that, if I had been inclined to defeat the purpose of the Commons, and to have procured the rejection of the Bill, I should have thought myself certain to accomplish my design by adding to it such a Clause as is now before us. For what, my lords, could be imagined more likely to raise an universal indignation, than to oppose the dictates of nature, and the precepts of justice, and to set the common sense of mankind at defiance, by proposing to punish the innocent, and to condemn men to beggary and ruin, for crimes which they do not commit, and which they cannot hinder?

This, my lords, is a Clause which might be of itself sufficient to bring detestation upon the most necessary and salutary law; for no benefit can be specified which deserves to be purchased by such open injustice, and such continual hazard; by the injustice of punishing the innocent, and the danger which every man, whose father is alive, must always dread—the danger of losing the rights of his birth, by wickedness which he perhaps detests, or by folly which he despises.

Yet this Clause, my lords, by the dishonest cunning of our ministers is likely to become part of the law, by which this unhappy nation is henceforward to be governed; and our posterity are to be for ever held in chains, unless the ancient virtue which inflamed the ancestors of your lordships should revive among us, and rouse us to the same opposition of tyranny, and the same zeal for the happiness of future ages.

Nor am I yet without hopes, my lords, that our ministers may be crushed in the midst of their security; that they may see subtlety defeated once more by virtue, and find that how long soever the dictates of the court have been heard with passive compliance, the love of liberty is not yet extinguished, nor the sense of justice wholly destroyed; but that there are yet in this great House, men resolved to maintain their own dignity, and to preserve the happiness of their country, and who, therefore, will not connive at injustice, nor suffer those honours which they have inherited from their ancestors, to be snatched

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away from their posterity. To these it may afford some incitement to redouble their opposition, and confirm their perseverance, if it be considered for what purpose this hateful, this iniquitous Clause is introduced into the Bill, and why injustice and oppression have found, on this occasion, such determined vindicators.

The motive of this procedure, my lords, is no other than that which has for many years operated upon almost all the public counsels, the necessity of some expedient for establishing and confirming the credit of the minister, that credit which he did not raise by any real services, and which he cannot maintain, but by the same methods which enabled him to acquire it. Such, my lords, were the views with which the measures of the late ministry were formed; and if they never adventured upon attempts so shocking as this, it is not to be ascribed to their honour, or even to their prudence, but to their lucky exemption from the necessity of such violent efforts, by the extent of their influence, and the number of their adherents.

But very different, my lords, is the state of the present ministry, composed of a small association, without power, without credit, without the confidence of the prince, or the esteem of the people, and therefore not able to support their authority but by hourly hazards, and continual artifices. During the late ministry we saw one man supported by many; at present we see many supported by one; the pyramid of government is inverted, the foundation is narrow, and the superstructure wide! and who can wonder that such an edifice shakes with every blast, and that it cannot stand for an hour without the support of some new contrivance?

Surely, my lords, instead of gratifying the desires of such ministers; instead of endeavouring to prop them with laws, and to prolong for a few months that power which cannot be long continued, and which has not been used in such a manner as that its continuance ought to be desired, we should resolve to set the people at once free from oppression, to dissipate those terrors which the long reign of ministerial iniquity has spread over the nation, and to quiet those discontents which have been raised, not by any wanton desire of innovation: not by any weariness of the felicity of independence; not by any affection to an exiled family, but by oppressions without number, and taxes without measure; by the multiplication of cruel laws, and by secret encroachments on our rights, or open attacks upon our constitution.

These, my lords, are causes of disaffection, if disaffection is to be supposed, which cannot be removed by the enaction of penalties, but to which an end might easily be put by more grateful methods, and which the steady practice of justice and mercy would in a short time obliterate and destroy. Let the people be convinced by one act of public justice, that their complaints are thought worthy of attention, and that their grievances are not to remain for ever without redress, and there will be no longer any complaints of disaffection among us; every reasonable man will venture his life in defence of a government, to which all the happiness of his life is to be ascribed, and will think it eligible to hazard his property for the continuance of those laws by which his property is so well secured.

But that this confidence may be diffused over the nation; that the people may be at length convinced of the reasonableness of trusting their governors, and be satisfied, that those who are in possession of rank and power, do not use these advantages only to gratify their own cruelty, insolence or vanity; that it may be at length apparent that the public good is preferred to all private interest; let us begin to pay that regard to the miseries of the public which has been so long refused, and instead of enabling our ministers, by cruel and unequitable laws, to make their court to the crown, let us, by careful enquiries and honest representations, enable their sovereign to judge of the condition of his people; let us, instead of strengthening the interest of the ministers, that they may be enabled to increase those calamities which they have not shown the least inclination to redress, resolve to wrest from them that power which they have used only to wicked purposes—to the propagation of slavery, and the diminution of the public honour.

But, my lords, though it is not to be doubted, but that, by putting an end to the usurpations and oppressions of the present ministers, the discontent of the people might be for a time appeased; though their hopes would be raised, and their affection rekindled, by any appearance of parliamentary virtue; and though they would naturally believe that none could succeed to trust or employment, in whom

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trust could less properly be reposed, or who would administer the public affairs with more open contempt of the public interest; yet when the first transports of triumph should have subsided, and when the joy of so unexpected a deliverance from impendent destruction should give them leisure for reflection, they would soon perceive that more is wanting to the completion of their security. They would perceive that it is not sufficient to take away power from those hands which have used it to wicked intents, since those to whom it shall be transferred will be encouraged, by the peaceable dismission of their predecessors, to practise the same arts, and will hope, that after they have for twenty years accumulated wealth by beggaring the public, and raised themselves to honours by conniving at the disgrace of their country, they shall at last find friends sufficient to shelter them from punishment; and that when they have so long exasperated the people, that they can be no more suffered to enjoy authority, they may at last be allowed to retire without punishment, and without trial, and spend the rest of their lives in counting over the spoils of the nation, and insulting those who without effect endeavoured to punish them.

The first act of justice, therefore, with which I think it necessary that your lordships should endeavour to regain and settle the affections of the people, is an exact and public enquiry into the conduct of the late minister, that after having been so long suspected, and so often accused, he may at length be cleared by an open proof of his innocence, or punished in consequence of a legal detection of his crimes.

What would be, in my opinion, the event of his trial, whether it would terminate in his honour or disgrace, or whether his fate would encourage, or deter his successors, I need scarcely mention. As I always opposed his measures, and opposed them, because I thought them destructive and unjust, I must naturally expect that the more his conduct is examined, the more it must be condemned; for it is certain that since his retirement from public employments, no discoveries have been made which can reconcile those to his character, who thought it before necessary to obstruct his measures.

Every day, my lords, has exhibited some new proof of the justice with which it was asserted by his opponents, that the tendency of his schemes was to subvert our liberties, and that he was enabling future ministers to act without controul; to establish themselves in despotic authority, and to set the people at defiance.

That this accusation, however at that time censured as invidious, was strictly just, appears from the daring practices of the present ministers, which are to be imputed not to any new methods of security which have been discovered, nor to any degree of political fortitude, in which they may be supposed to out-go their predecessor, but to that plan of subordination which he first established, and to those schemes of slavery which he so industriously laboured to perfect. The ministers, my lords, when they inherited his employments, were, like him, acknowledged by his dependents as absolute, and proceeded in confidence of the same submission which they saw, and saw with envy, so long blindly paid to all his resolutions.

But nothing surely, my lords, can be more reproachful to the nation of England; that nation which is famed throughout the world for the steady and invariable assertion of liberty, than that such crimes should be permitted to escape punishment, to escape censure, to escape the danger of censure; and that he who had so long, so openly endeavoured the subversion of liberty, should at last retire to affluence and honour without a trial. Nothing can be more opposite to justice or to policy, than that we should suffer him who has shaken the foundation of our constitution to escape, while we are solicitously endeavouring to repair imaginary breaches in the superstructure, or that we should by conniving at his impunity, encourage all those who shall succeed to his titles to follow his example.

For my part, my lords, I shall, without regard to the imputations of persecution, or malice, or implacability, which my declaration may, perhaps, bring upon me, confess my disposition toward him; nor shall think it either unjust or cruel to declare that, notwithstanding the oblivion in which his practices seem now to be buried; notwithstanding the art by which he has been withdrawn from the resentment of the nation, I yet hope to see him dragged by the hand of public justice out of his retirement, and compelled to answer, at this bar, to the charge which has been so often brought against him, and which, though he has had hitherto the ad-

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dress to elude it, he has never yet been able to confute.

To this hope, my lords, which I have so long entertained, and so willingly encouraged, no length of time shall be able to put an end. No time can be improper for the execution of justice; and as his example will naturally operate upon all future ministers, his crimes can never be forgotten; and while he, therefore, continues to live, my lords, I will continue to hope that he is reserved by nature to compensate, by the terror of his punishment, the influence of his prosperity; nor shall I, after the longest period of time which can be supposed to intervene, remit any of the ardour with which I now speak, but shall, after 20 or 30 years, be no less desirous than at this time, to summon him to his trial.

But, my lords, though we have forborne to punish the chief author of our calamities, let us not encourage those who appear to succeed him in his inclinations, as to his employments, to flatter themselves, likewise, that they succeed to his power. Let them not be suffered to imagine that they can dictate penal laws at pleasure, and command us to enslave our posterity for their convenience, and to continue their power, by complying with proposals which have no other tendency than to give them an opportunity of boasting their influence. Let us reject the detestable Clause which is now proposed, and then proceed to examine the causes of that discontent which is alleged in justification of new severities, and unconstitutional restraints.

Lord *Carteret*:

My lords; if the determination of the question before us appears difficult, that difficulty is to be imputed not to the nature of the law proposed, or to the doubtfulness of the facts upon which it is founded, but to the manner in which the debate has been conducted, and to the different considerations which have been introduced, and the various digressions, by which the understanding has been bewildered, and the attention distracted.

It is one of the rules of our deliberations, which the wisdom of former ages has thought it necessary to establish, that whoever shall rise to speak in our debates, shall confine his observations to the question then before us. Nor is this a rule peculiar to our assemblies, for it is the dictate of nature and of reason, and found necessary to be observed wherever truth is to be discovered, or business to be transacted. For what progress can be made in enquiry, or what advantage can arise from the collective wisdom of numerous assemblies, if every man who shall speak shall think himself allowed to discuss a different question; to propose new objects of consideration, and to lead the mind away from the first subject, by a specious harangue, or an artful contexture of narrations, which have no natural reference to each other?

Yet by this desultory method of declamation, my lords, has this Clause been represented as unreasonable and unjust, and the ministers have been condemned as enemies to the liberties of their country, and the happiness of posterity, when they are only taking measures to preserve us from being deprived of our liberties by a French army, and to secure our posterity from being born the slaves of an arbitrary monarch.

With a design of vilifying the ministry, the noble lords have not scrupled to give a loose to invective, and to vent many insinuations neither decent nor just; they have endeavoured to collect all the general funds of political satire, and have exhausted all the magazines of censure which former oppositions have furnished: nor, indeed, can it be denied that they have spoken with spirit and with art, though that art has been misemployed, and that spirit incited by false opinions.

Among the animadversions which this Clause has provoked, it is first necessary to obviate that in which it is supposed, that no invasion has been intended; that the ministers have been either seized with a panic terror, when there was no danger, or have endeavoured to fill the nation with alarms, at a time when they were themselves without that fear which they endeavoured to infuse; that the invasion was either only imaginary, or the terror only pretended; and that it was only swelled into importance, by false representations, to furnish a convenient opportunity for an oppressive law, by which the power of the crown may be unreasonably enlarged, and the people intimidated in future times, and deterred from the vindication of their laws, and the exertion of their privileges.

It might have been hoped, my lords, that a message signed by his majesty, on such an urgent occasion, would have been exempted from such disrespectful and indecent reflections, and that it would not

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have been suspected that he was either imposed on by false accounts, or that he could admit any design of deceiving his subjects. But since the regard which ancient times, times not less remarkable for wisdom or integrity than our own, paid to the crown, is not now any longer to be expected, it may be proper to observe that, without appealing to the authority of his majesty, the fact on which the message was founded is uncontrovertibly certain.

It is certain, my lords, that an army was drawn down to the coast of France, where it could be of no use but to invade England; and it is not likely that in this time of general commotion, when they are surrounded on every side with enemies, and are labouring, with their utmost efforts, to extend their dominions, and increase their power, they would detain those troops in a remote part of their country, in a state of inaction, when they might have been so usefully employed in other places.

It is certain that they likewise collected, in the neighbouring port, a fleet so numerous and powerful, that it appeared intended for the execution of some very important design, and that no design has yet been discovered, which required or deserved such ostentatious preparations. They were not content with assembling soldiers and ships, but accumulated likewise a great quantity of stores, of which, what use could they make, but in the design of invading England?

Surely, my lords, any farther proof of the reality of this design will not now be desired; yet there remain other proofs which cannot be eluded; the confession of the court of France; the papers which were found at the seizure of a messenger; and the conduct of the son of him who pretends a claim to the crown. The papers, my lords, which I have myself perused, give sufficient information of the design of an invasion, and the son of the Pretender is well known to have waited, for some time, on the coast, in expectation of being transported hither, at the head of a French army. The court of France, my lords, does not endeavour to conceal its design, and not only avows an intention of invading us when their fleet lately set sail, but declares that the design is not laid aside, and that, whenever the state of their affairs, and of our own, shall furnish them with a convenient opportunity, a fleet shall be fitted out against us, by which the Pretender shall be landed here, with a body of troops sufficient, by the assistance of his adherents, to settle him on the throne of England.

Such, my lords, are the proofs of that design, which has been represented as the fiction of ministerial artifice, or the dream of unreasonable cowardice. And, surely, my lords, these proofs cannot easily concur to delude us with so formidable an appearance, without some reality to produce them; and if it could be possible that all those military preparations should be empty phantoms, I know not who can be blamed for being deceived by them, because it is not possible to judge of the future but by the past and the present. Since it, therefore, appears that an invasion was really intended, and that his majesty neither endeavoured to deceive his people, nor was deceived himself, it is proper next to consider, whether the ministers have been censured with more justice, and whether it was affirmed with as much truth as confidence, that they have taken an opportunity of this danger, whether real or imaginary, to raise their own credit and influence by oppressing the people.

It has been asserted, my lords, with great vehemence of seeming indignation, with great tenderness of affected compassion, and with great ardour of ostentatious justice, that the law now proposed is contrary to the first principles of equity, to the solid maxims of true policy, to the natural rights of mankind, and the constitutional privileges of the English people; and the noble lords who have been pleased to distinguish themselves by opposition on this occasion, have declaimed, with great warmth, in defence of the people, and have urged arguments for their opinion, which cannot be denied to be specious, though, in my opinion, they are not conclusive.

It has been said by them, that this law is unjust in its first principles, and that its institution is an act of cruelty and tyranny, because it enacts a penalty to be inflicted upon one man for the faults of another; loads the children with the guilt of their parents, and involves the innocent and the criminal in the same calamity.

It is well known, my lords, to be one of the maxims of the law by which England is governed, that ten criminals should rather be suffered to escape than one innocent person be punished; a maxim of so much reason and clemency, that, I hope, it will not be forgotten, whenever

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laws shall be either made or executed; nor should any lord in this House oppose a Bill which appears contrary to this principle, with more zeal or resolution than myself, and I would not attempt to vindicate this Clause, if it did not appear to me very easy to free it from such atrocious imputations. In the examination of this law, it will be reasonable to consider the example of other nations, and the practice of past ages, as well as the dictates of morality and reason; for though example will not make that right, which is in itself wrong, yet by considering the conduct, and the principles of others, we shall learn what was right and wrong in their opinion, and may often be directed by the reason of others, where we might be unhappily misguided by our own.

If, therefore, my lords, we extend our view to other nations, and examine the forms of government which subsist among them, it will be found that provisions of this kind are so generally esteemed reasonable and necessary, that scarcely any government appears to be thought secure without them; and, therefore, in almost every state, the possessions of those are forfeited, who endeavour the subversion of the laws, or engage in conspiracies against their prince. The efficacy of this method of providing for public security is not, indeed, denied by the noble duke who spoke against the Clause: who has very justly remarked, that many who would not be discouraged by personal danger, from engaging in enterprises contrary to the law, yet may be restrained by their regard for their children, and may be unwilling to hazard, with their own lives, the honours and fortunes of all their posterity.

From this just observation, shewn in a particular light, the noble duke has endeavoured to prove the impropriety and the danger of this law, of which it is, in my opinion, an irrefragable defence; for though it may possibly happen, that the misconduct of monarchs may some time produce the necessity of another revolution, yet it is, at present, more likely that the public will be endangered by disaffection to the government; and therefore such provisions must be made, as appear most necessary to our particular state.

The forfeiture of estates is so far from being an innovation unknown to our constitution, that it is the daily effect of the execution of our ancient laws. Whoever commits felony incurs not only the loss of life, but the forfeiture of his possessions, and on many other occasions the heir suffers by the crimes of his father, and loses what he would apparently have possessed, had not his father broken the laws. Nor do we only suffer for the crimes of our fathers by legal procedure, or positive institutions, but by the natural order of things, and the unavoidable train of certain consequences. Every man has hourly opportunities of beholding the miseries of poverty and diseases, which those who suffer them may with great justice impute to the folly of their parents, who squandered their fortunes, or to their debauchery, which corrupted their blood.

Thus, my lords, it appears that this law is in some sense consistent with the regular and established order of nature; that it is conformable to those laws by which we have long been governed, and which we consider as the chief blessings conferred upon us. We find this practice authorised by the example of other nations whose governments think it necessary to secure themselves, by laying hold of the tenderness with which men naturally regard their children, and condemning him who commits an act of treason to see his posterity involved in his punishments.

Such laws, my lords, I have never yet heard or read that any government has been censured for enacting, and therefore, I hope, that what is innocent in other nations will not be criminal in this; and that what was allowed and practised by our ancestors, will not be more unjust or cruel when done by ourselves.

It is, indeed, by no means cruel to annex severe penalties to enormous crimes; for it is not the desire or design of the legislator to inflict the penalties which he decrees, but to deter those who may have suppressed their horror of the crime, from offending against the laws by the terror of the punishment. Penal laws, my lords, and punishments are not to be confounded: punishments were intended to revenge the injuries done to the society, penal laws to prevent them; nor has the wisdom of government yet been able to prevent them by any other method. Yet as all human productions or contrivances must have their defects, the unhappy signatures of humanity; so it cannot be denied, that some just objections may be often made to penal laws; nor can it be proved that the law proposed, as it may prevent evil, may not in some unhappy conjuncture prevent good; for, as the noble duke has justly ob-

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served, it may be at some time necessary, indispensably necessary, for the people to oppose their sovereign, as it is at all times necessary that the sovereign should be enabled to govern the people. Here then are difficulties on both sides; the law cannot influence us to good purposes without having a power likewise, in some disorder of the public, to influence us to ill; the law is a law framed by men, by imperfect and fallible beings, and, therefore, it will not operate uniformly and unvariably to any certain end.

But, my lords, if nothing is to be done for our security but what is free from every objection, I know not to what end we convene parliament; for it is certain, that whatever we propose, and whatever measures we take, some conjuncture may be conceived in which those steps, which we have taken towards happiness, may lead us to destruction; and, therefore, nothing remains, but that we act like reasonable, as well as frail creatures; that we do not expect perfection, because we are frail, and that we do not neglect our own safety, because we have reason given us to direct us in securing it.

Where different events are possible, which is almost always to be supposed, it is to be enquired what is most likely; and when we cannot attain to certainty, we must rest content with probability, and must endeavour to obviate the possible ill, as much as it can be done without impairing the possible good.

With regard to the law now proposed, it is granted that some evil may possibly arise from it; but it is much more likely that its effects will be good, since we are in much more danger from an insurrection of the Jacobites, than from the encroachments of the crown. The propriety of limiting the operations of this Clause to the time in which it is most likely to be necessary, has not been forgotten, and therefore it is restrained to the present age, and terminates with the lives of the sons of the Pretender, a period of time in which there is no reason for suspecting that there will be any necessity for another revolution; and the next age will be at full liberty to vindicate their rights, if they should ever be invaded, without danger of ruining their posterity, by an unsuccessful struggle; and at present it seems indispensably requisite to secure ourselves, by all possible methods, against the sons of the Pretender, who are apparently and publicly countenanced and supported by a power, perhaps, more formidable than ever yet made war upon us, and equally to be dreaded for vigilance, malice, and strength.

Nothing, my lords, can be more certain than that he was invited by the French, that his name and his presence might increase their strength, and advance the success of their designs against us by uniting to the troops, which they should land here, the discontented part of our own people, which I, with other lords, am inclined to hope, that if ever they should dare to enter in this kingdom, they will find less numerous than they have been taught to expect. But it is undeniable that there are some amongst us who profess allegiance to the descendants of king James, and it is not unreasonable to fear that there are many more who, though they do not openly profess themselves enemies to the present family, would gladly contribute to its expulsion.

This, at least, is the opinion of our enemies, who, on all occasions, show that they imagine themselves able to distress our government, by giving new spirits to the Jacobites; and it is apparent that the French thought themselves secure of assistance, since they could not hope to land an army numerous enough to undertake, by their own strength, the conquest of the kingdom.

It is plain, therefore, that we were not without just grounds informed, by his majesty's message, that the French were invited by the disaffection of our people; for their own conduct shews their expectations; they must undoubtedly derive their hope of success from their confidence in the disaffected. Why else do they propose to invade us with so small a force? Or why do they call the son of the Pretender to take possession of a kingdom, of which he is able to contribute nothing to the conquest?

It is therefore plain, my lords, that the ministry was not alarmed without reason, and that they had no intention of filling the nation with chimerical terrors, that they might exalt the power of the crown, and confirm their own influence by promoting the prerogative. These are, indeed, the motives which are imputed to them, and which it is only necessary to deny: because as no arguments can be brought to confirm such insinuations, none need to be offered to confute them. The art of making the Jacobites useful to ministers has been, indeed, long ago discovered; but it appears now to be a stale

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artifice, which, if it were needed, could be no longer practised with success, and to which, I believe, the present ministry will have no recourse.

For my part, I am convinced of the justice, the propriety, and the necessity of the Clause now before us; and think I cannot more efficaciously serve my country, than by contributing my vote to its enaction; since it appears to me likely to produce great advantages, and to hinder tumults, seditions, and conspiracies.

With regard to the ill effects which are dreaded from it, they are uncertain and remote, and are sufficiently obviated by limiting the duration of the law, which, while it shall operate, cannot be reasonably supposed to obstruct any laudable exertion of the rights of resistance.

The noble duke in warning us of the consequences of fettering the subjects of this kingdom, has mentioned, in a manner extremely affecting, the case of one of his own ancestors; a case which cannot be heard without sorrow and indignation, but of which the severity had the happy consequence of promoting the Revolution, by convincing the English that some improvements were necessary in their constitution, and that, unless the power of the crown was reduced, no man's life or liberty was safe.

This mournful instance of the cruelty of a court shall not, however, discourage me from asserting the necessity of this Clause, of which I think it cannot be suspected that it will be used in like acts of oppression, and which may very much contribute to secure us from having a monarch, whom no laws can be expected to restrain.

Since therefore, my lords, it appears that the French really intended to invade us, and since if Spain and France be believed, and I, for my part, believe them, that intention, though deferred, is not yet wholly laid aside, it is surely necessary to enquire by what methods we may best secure our liberties, our fortunes, and our lives against enemies so much exasperated, so ambitious, so active, and so powerful. Since we find that they imagine themselves secure of assistance, whenever they shall fix their standards on our coasts, and bring with them the son of the Pretender, with a declared intent to set him upon the throne of these kingdoms, and establish him in the possession of unlimited power, it is evident that they expect that assistance from the Jacobites, and that they imagine the Jacobites to be a body of men powerful by their numbers, their interest and their wealth; so powerful, that with the advantage of a few troops, and the countenance of a great prince, they may be able to overturn the government. It is therefore necessary that we should find some means by which the designs of these domestic enemies may be defeated, that our intestine divisions may give no encouragement to invaders; and it is requisite that this restraint should be as mild as can consist with efficacy, that no man should suffer merely by suspicion, or be under any coercion but that of fear; that the punishment should not precede the crime, and that no penalties should be laid on principles, if they are not discovered to operate in practice. But it is requisite, likewise, that this penalty should be such as may be equal to the end for which it is proposed, and that its terror may preclude its infliction by preventing crimes against which it is decreed.

All these considerations, my lords, appear to me very happily reconciled in the Clause now under consideration. It is consistent with the general tenor of our own laws, and conformable to the regular order of nature itself; it is as agreeable to the practice of almost every other government, and in itself neither cruel nor unjust, being intended rather for the prevention than the punishment of crimes. I hope it will therefore be generally approved by your lordships, and that one security more will be added to preserve the blessings which the succession of the present royal family bestows upon Great Britain.

The Earl of *Chesterfield:*

My lords; the Clause which is now proposed, is, in my opinion, so unnecessary, so cruel, and so unjust, that I cannot but think it my duty, and the duty of every other lord, to rise in opposition to it. For, in opposing this Clause, I consider myself as struggling for the liberties and fortunes of posterity, and as contending for the rules of justice, and the rights of nature. I consider myself as an advocate for those to whom it is not frequent to pay much regard, because we shall not share in their calamities or felicity; but whom I cannot but think in some measure entrusted to our care, and entitled to the same advantages which we ourselves received from the courage, the integrity, and the wisdom of our progenitors.

I, therefore, think myself discharging

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no supererogatory duty, while I am pleading the cause of those who cannot yet know the benefit which I am endeavouring to confer, the helpless and deserted cause of future generations. And as I shall not suffer the distance of the interest, which I may imagine myself promoting, to relax my zeal; so I hope it will be readily believed by those whose conduct shews how well they know the value of present advantage, that the interest for which I am labouring is not sufficiently pressing to vitiate my sincerity.

That the cause in which I am engaged is such as can produce no dishonour to him that defends it; that it involves the sacred and inviolable rules of justice and of reason, and that all the charms of innocence, and all the beauties of truth concur to recommend it to the patronage of your lordships, will appear upon the most inattentive view. For no long consideration is necessary to shew the iniquity of extending punishment beyond guilt, and condemning the innocent to want and disgrace, because they are unhappily allied to folly and to wickedness.

If any lord can restrain his indignation at the view of the miseries which the execution of this detestable law may bring upon mankind, and revolve, without horror, the distresses which may ensue to those who know not the nature of the crime for which they are to suffer, I shall not so much applaud his calmness as condemn his insensibility. For he that can conceive children, too young to know the meaning of treason; children perhaps sleeping in the arms of a nurse, or sporting away their thoughtless hours in inoffensive amusements, deprived of every advantage of birth, and every prospect of happiness, precipitated from greatness, and abandoned to beggary and contempt by the treason of their father; he that can suffer his imagination to dwell on the calamities which such a misfortune must produce, and the anguish which the sense of such injustice must raise, when it comes to be known and felt; he that can feign a child of an illustrious family begging in the streets, or supported by the parish, only because he is the son of a traitor, must surely want that tenderness which is the characteristic of the noblest natures, and must have found means to divest himself of the general sensations of humanity.

Children, my lords, cannot, with the least appearance of justice, be punished for treason, because treason is a crime of which nature disables them from the commission. Children are never trusted with the secrets of treason, are never admitted as partakers in conspiracies, or employed in contriving or executing revolutions; children, therefore, should surely be exempt from punishment, when they are incapable of guilt.

But it is urged, that though what is alleged, with regard to the incapacity of children to offend, is incontestably true yet their incapacity by no means affects the justice of this law; because the forfeiture is incurred as a punishment not of them but of their fathers. This sagacious distinction has been offered, my lords, as a sufficient answer to the charge of cruelty, rapine, and injustice; and as this is the only answer that can be made, it were to be wished that it was more satisfactory. For let us consider what is included in it, and it will be found to imply, that it is lawful to punish an innocent person, if it can be imagined that the criminal will be touched with his sufferings. Let us then pursue this tenet as far as it will naturally lead us: if it be lawful to inflict a slighter punishment upon the innocent to affect the criminal in a less degree, it is not less lawful, when the crime swells beyond the bulk of common wickedness, to increase the pains of the innocent, that the sufferings of the criminal may be proportionate to his offence; and it may be, therefore, expedient and just, upon this principle, to throw off that lenity which has hitherto distinguished our laws, and of which even the patrons of this Bill seem still inclined to preserve the reputation, and instead of condemning the estate of a traitor to confiscation, and his family to servitude or beggary, it may be convenient to strengthen, yet more efficaciously, the interest of the crown by decreeing, that if any henceforward shall be convicted of treason, his wife and children shall be tortured to death before his eyes. And if his friends were likewise included in the sentence, the crown would be still better secured against the attempts of faction, invasion, and rebellion. For it scarcely can be possible for any man to have withdrawn all his dependents so dexterously from danger, but that some of them might be found; and it would be no small satisfaction to see any man, that had any relation either natural or voluntary to a traitor, put to death.

The law, my lords, might in pursuance of this extensive and useful principle be

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further improved, all the neighbours of a traitor might be put to death, the town in which he resided might be sown with salt, and the contiguous fields and meadows be forfeited to the crown. If once we admit injustice, where are we to stop? or how shall we determine when our zeal has been sufficiently active for the security of the crown, or when the barriers against rebellion have been sufficiently multiplied?

It is not, indeed, without amazement, that I observe the eagerness of some to pay compliments to the crown, to recommend themselves as more ardent for the support of their sovereign than their fellow subjects; nor can I deny that the present proposal is a very uncommon instance of that address, in discovering new methods of flattery, to which our ministers have been so long indebted for their influence and power. They have found, my lords, the art of robbing their successors of those expedients by which they might have equalled them in glory, and have anticipated that flattery upon which ministerial interest must hope hereafter to subsist; they have paid a compliment which perhaps may not be realised in less than thirty years, and which can therefore at present be only considered as a proof of their inclinations, but can produce no effects.

These penalties, my lords, are already continued to the death of the Pretender; who is now but fifty-five years old, and, as it is reported, of a temperament which promises a long life; it can, therefore, be of very little use to enact penal laws which are not to commence before his death; of very little use at least to any but the ministry, who may hope to confirm their interest by appearing terrified at dangers so distant that they can be seen only by themselves, and to counterbalance by this amendment of the Bill, the interest which others might expect to form by first introducing it. Thus, in these continual struggles for greatness and for riches, are penal laws daily multiplied, and the people hourly sacrificed to flattery and artifice, and liberty is trifled away in hateful compliments. I, for my part, have not yet learned to pay my court at the expence of the public, or offer up the lives of my fellow subjects, or their posterity, as incense to the throne; incense, of which the fire will be dangerous, however odorous may be the smoke, and which our princes have never long enjoyed, without experiencing the danger which unlawful gratifications naturally produce.

Instead of compliments, my lords, I shall endeavour on all occasions to shew my loyalty by real services, by methods which may benefit more, though it may be feared that they will please less. And I have the satisfaction of hoping that by opposing this Clause, I am even now serving the royal family, as I am endeavouring to preserve them from the imputation of distrusting the people, and of attempting to secure their possessions by cruelty, rapine, and injustice.

The present family, my lords, can never be endangered, but by the counsels of wicked ministers, who endeavour to advance themselves by flattering their sovereign's passions, and by perverting his judgment; by engaging him in unreasonable designs, and supporting him in pernicious measures by unlawful means; by teaching him to corrupt his parliament, and persuading him to distrust his people. The danger of the present family, my lords, cannot arise from the affection of the nation to any other king, nor can it lose the throne to which it was called by the people, otherwise than by governing in a manner contrary to the ends for which it was called.

It is, indeed, declared in the message, which his majesty has been persuaded to send, that our enemies have been encouraged by the disaffected. But since the noble lord has already shewn that speeches and messages are to be equally considered as the acts of the ministry, I shall not hesitate to affirm, with regard to this message, that its allegations are not supported by evidence; that it is not founded upon facts; and that, therefore, to persuade his majesty to sign it, was to forge an accusation against the people, and to fill our sovereign with distrust of his subjects.

What class of men might have been meant as 'the disaffected,' it would have been not easy to discover, had not our ministers informed us, by the measures by which they propose to obviate the effects of this dangerous disaffection, that they intended to persuade us that some conspiracy was formed, or some revolution meditated by the Jacobites, and that from the Jacobites only they dread the destruction of our liberties, and the subversion of our laws; that these formidable Jacobites, are the enemies from whom we are to be secured by new fortifications, and who have incited the French to invade our coasts.

Jacobites, my lords, however low they

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may be rated in the esteem of the greatest part of the people, are a race of men so beneficial to our ministers, that we cannot wonder at any endeavours which they use to preserve them from extinction and oblivion. Jacobites are bugbears, with which the people may be stilled at one time, and the prince at another; and which the ministers may employ, at pleasure, as beings of their own productions, from which they have therefore nothing to fear themselves, while they endeavour to make them the objects of terror to others. They can secure themselves in all their exigencies, by whispering behind the throne that the Jacobites are in motion. When the nation is engaged in war, they can frighten us with intelligence which the Jacobites maintain with our enemies; and when peace leaves us nothing else to fear, they can still keep up an army to oppose the Jacobites.

This artifice, my lords, has been long practised with success, and perhaps may, for some time longer, be of use in deceiving our princes, who, as they can receive no information but from those who surround them, may, by an artful and steady combination, such as is easily formed by guilt, and cemented by interest, be long kept ignorant of the real state of the nation; but will scarcely be possible to alarm the people any more with these invisible enemies; they have, at length, found out the fraud, and learned, by having been often frightened without any real evils, that Jacobitism is only a formidable name with which the ministers have been accustomed to awe them into compliance.

That there is yet among us no such monster as a Jacobite, I will not affirm; but I am confident, that they are not often to be found, and that they skulk in corners, as afraid of the light, and conscious of their own deformity. The principles of hereditary right, and of passive obedience, which, in the reign of the late queen, were so publicly avowed, and so zealously, though absurdly defended, are now wholly forgotten; nor could any man endeavour to support them, without contempt and ridicule. They are, therefore, now confined to a very narrow compass; and perhaps scarcely find any defenders, except a few old ladies, who learned their opinions in the last age, and having unhappily outlived their companions, are doomed to the mortification of perpetual singularity, and to enjoy, in solitude, their exploded tenets, as their antiquated fashions.

These, my lords, are the enemies whose name, whenever it is mentioned, fills us with terror; from these we are to be sheltered by new institutions; and the artillery of new penalties is to be planted round the throne, to deter these dreadful assailants from forcing away our king. Surely, my lords, we are not to be thus treated! nor can it be expected, that we should sacrifice our posterity to suspicions, not of distant only, but of impossible calamities.

That there is among us a great number of men very little satisfied with the present government, is, probably, believed both by the French and Spaniards, because men readily believe in conformity to their interest. And this belief, which the late addresses show to be without foundation, has this inconvenience, that it may perhaps incite them to form designs against us, in expectation of assistance—assistance which they will never find, and designs which will inevitably miscarry—but which yet must be defeated with bloodshed and expence, and which it is therefore more useful to obviate, before their execution is attempted; for he that encourages his enemy to assault him, must lose some honour, even though he gain the victory; and exposes himself to the chance of a battle, when perhaps he might, by wiser conduct, have enjoyed his quiet, and his possessions.

From this security, my lords, our ministers have wisely endeavoured to exclude us, by informing our enemies, that the hopes which only their desires excited, are not chimerical; that they have, in this kingdom, an interest which they never formed, and a party which they never supported; and that, whenever they shall land their troops upon our shore, great numbers of the inhabitants will meet them with olive in their hands, and give them, without resistance, possession of their country.

What is this, my lords, but an invitation to them to come in quest of their imaginary friends; and to precipitate an undertaking, in which they think it is so easy to succeed? This, my lords, must surely be the design which the wisdom of our ministry has enabled them to form; and, from this design, they undoubtedly expect some uncommon advantage to arise; since they have pursued it, by means which nothing but very important and lasting benefits can countervail. For they have not only branded the people of England with

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an infamous accusation—an accusation at once in the highest degree atrocious, and most certainly false—but they have, to heighten the insult, put the charge, the hateful charge, into the mouth of their sovereign; and, as if they designed to spread contempt at once over the king and his people, have advised him, in his message, to contradict his speech.

If there are really any who desire to change the present form of government, they are men who are discontented with the administration, and who have transferred their dislike of the ministry to him by whose authority they act, without knowing, or without considering, that what is done by the king's authority is not always, and indeed not often, done by his command; and that the best monarchs have, by the intervention of wicked, or ignorant, or precipitate ministers, been made instrumental to measures, which, if they had known their tendency, they would have abhorred and rejected.

To hinder the propagation of this species of Jacobitism, would be the most important service that could be paid to the crown; and ought, in a just and reasonable estimation, to outweigh a thousand idle compliments. This service, my lords, I am endeavouring to perform; I, who have no genius for contriving compliments, nor any inclination to attempt the arts of flattery, however lucrative or however easy. I, my lords, am not desirous of paying my court at the expence of posterity; and not only of posterity, but of the family to whom it is sacrificed: for, of every oppressive or unjust law, may be said, what has been so often remarked of all the other arts of wickedness, that however subtlely they may be contrived, and with whatever probabilities of immediate advantage they may flatter the imagination, they generally, at last, recoil upon their authors; and, instead of advancing power, or securing success, terminate at last in disappointment, calamity, and ruin.

And surely, my lords, it cannot be expected that the present family will make any advances in the affections of the people by a law like this—a law originally contrived under arbitrary governments, and supported by the flattery of prostitutes, who have represented an offence against kings as a crime against the divinity, and sentenced it to be punished to succeeding generations.

This, my lords, is a degree of cruelty, of absurdity, of injustice, a complication of folly and of wickedness, for which a name cannot be found. Not only those who are not guilty, but even those who are incapable of guilt, are to be involved in the severest punishments of the most atrocious political guilt. They are not, indeed, to be deprived of their lives, but they are to be reserved to beggary and to misery, and to live only to bear the reproach and the punishment of crimes which they never could partake. The son is reserved to hear of the honours and possessions of his father—of honours which he was born to inherit, and possessions which he has a right to enjoy—but which, without any fault of his own, he sees withheld from him, and given to those who, perhaps, accused his father, for no other reason than that they might seize his fortune.

It has, indeed, been urged by the noble lord, that such laws are now in force among us, and executed in the daily procedure of our courts of justice; he has remarked, that the goods of felons are forfeited by their conviction; and seems to imagine, that the law now proposed is defensible, because it is consistent with other institutions which prevail among us. But, my lords, when a law is proposed, I hope we shall not be guided by precedent in opposition to justice. That the possessions of felons are forfeited, is, indeed, not to be denied; but that they are forfeited without injustice, remains to be proved. If it be urged, that the long continuance of this practice among us, is a sufficient proof of national approbation; and that among other alterations of our laws, this would likewise have been changed, if it had not been thought just; I think it may very reasonably be answered, that though it cannot be approved, it has yet not been changed, because very little inconvenience has arisen from it. To deprive the children of a felon of their inheritance, can, indeed, not be approved by those who think it their duty not to deprive the children of a traitor; but they are not equally solicitous for justice in both cases; because, in reality, the injustice with regard to the descendants of felons, is only nominal: for felons, my lords, have very seldom any property, and therefore their children lose nothing, since they were the heirs of those who had nothing to leave.

All the forfeitures, my lords, of all the felons which are executed in the year, do not arise to a thousand pounds; and, therefore, the shafts of injustice fly into the air, and though they may be perhaps

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maliciously aimed, fall without effect. But the case of men accused of treason is, for the greatest part, very different: conspiracies can be only imputed to men elevated above the common rank, by their fortune, and their interest; and, therefore, an acousation of treason can never be brought, but against men whose possessions may inflame the prosecution, and raise witnesses against them, who may hope to share their spoils, by promoting their destruction.

If this law be suffered to extend to future ages, it is impossible to foresee what calamities it may produce in times of tumult and corruption. The time may come, my lords, in which the crime of being rich may be sufficient to draw suspicion upon the most cautious, and involve the most innocent in accusations. That such times have been known, I need not inform your lordships; and that they may not return, we can only provide, by taking away the motives to wickedness, and abrogating every law that can promote unjust prosecutions. If the inheritance of a traitor is to be forfeited, your lordships have very little reason to please yourselves with the large possessions which you have to leave your children. He that labours to increase his fortune, is only accumulating calamities to his family, and marking out his heir as the game of avaricious wickedness, who will be hunted down by perjury, that he may be devoured by rapine.

If this consideration be suffered to sink with its full weight into our minds, we shall at least be unwilling to promote this law, with the view of raising our fortunes by the favour of a court. For it will appear, that the means and the end are opposite to each other; and that he who, in hope of increasing the riches, destroys the security of his posterity, is only raising with one hand the edifice which he is demolishing with the other; he is heaping money together, but is at the same time leaving thieves about it.

On this occasion, my lords, I hope to be heard with more attention, as I cannot be suspected of any private views, or imagined to speak from any other motives than conviction. I have no children to excite my tenderness, or to turn me aside from the most rigid justice. There are times, my lords, in which it is no diminution of happiness to reflect that the pleasures of a parent are denied; times in which it may be reasonably the desire of every lord rather to leave behind him a good example than a numerous posterity. But as no man ought to sacrifice the welfare of his country to his own private advantage, so no man ought to neglect the removal or prevention of its miseries, because nature or fortune have exempted him from sharing them. I am not less solicitous that the children and descendants of others be secured from the danger of being pursued by hirelings or calumniators, and murdered by evidences incited to perjury, by the prospect of sharing their estates.

I hope I shall give no opportunity, by my opposition to this Clause, to any officious aspirer to uncommon loyalty to represent me as a favourer of the claims of the Pretender, or as inclined to invalidate or to hinder any securities, by which the present royal family may be more firmly established. I have not more to hope or to fear from the Pretender than any lord in this House. I have no desire to secure myself from his resentment, or to court his regard, since I do not believe that it will be his fate to rule over me, or that he will have the power of rewarding his adherents, or punishing his enemies.

I am pleading, my lords, only for justice, and for posterity, without any other motives than the conviction of my conscience; I have no personal consideration either of friendship or enmity before me, and therefore speak only the dictates of my reason; of that reason which tells me, and will tell all those whom interest or passion will suffer to listen to her feeble voice, that punishment ought to be the consequence only of guilt, and that no man ought to suffer for the crimes which he did not commit; that happiness, so far as it can be ascertained by human institutions, ought to depend upon ourselves, and that we ought not to be deprived of it by the follies or the vices of our fathers.

These, my lords, are positions which must surely be admitted as soon as they are heard, and from which no man can depart without the disapprobation of his own mind, and that remorse which always follows any known deviation from the laws of truth. And these positions, I suppose, no one will deny to be generally right. But, my lords, a doctrine has sometimes prevailed, by which it is taught, that on particular occasions the general rules of action may be set aside, that sometimes the laws of morality may properly give way to the maxims of policy, and that what is unjust with regard to particulars,

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may be often reasonable and right, when it is the act of the public.

This is doctrine, my lords, which I shall not at this time endeavour to confute, though I cannot but condemn it. For though it is my opinion, that public prosperity, as well as private happiness, is best secured by an unvariable adherence to moral equity, yet since temporary injustice has many advocates, who have furnished themselves with a great number of subterfuges and distinctions, I shall not at present engage in a controversy, which may be lengthened by the arts of disputation beyond the time allowed for the discussion of this question; but shall content myself with showing that, though it should be acknowledged necessary in times of extreme danger to suspend the common principles of justice, yet that this law cannot be now necessary; because this is by no means a time of remarkable danger; and since nothing but the utmost danger can authorise injustice, it must be allowed of a law like this, that when it is not necessary it is not proper.

That this is not a time of uncommon or of imminent danger, I need not labour to prove to your lordships, who are now calmly deliberating upon a law, which, perhaps, may not in thirty years have any effect either good or bad. And the same consideration will show, that, with regard to any present danger, the Clause now to be the subject of our deliberations is useless. For what can be more ridiculous or absurd than, because we are now in danger from the plots of the Jacobites, to make a law by which the children shall be punished by those men who shall bring us into the like danger in the next generation?

Whether the Clause now before us be received or rejected, our present danger and our present security are the same. For it will add no terrors to those, if any such there be, who now correspond with our enemies; their posterity is already involved in their guilt, and they have nothing more to fear. Yet your lordships, if you believe the allegations of the message, may perceive that no law will restrain men from wickedness: if you do not believe them, the message cannot in any degree influence your determinations.

When this law was made, by which children were, during a certain time, exposed to punishment for the guilt of their parents, the great prelate, (Dr. Burnet) who has transmitted to posterity the History of his Own Times, informs us that he voted against it, but that he was single in his opposition. He must upon the same principles have voted against this Clause, and I wish for his sake, and for the sake of justice, that he had been reserved to this time; for the sake of justice, that it might have had the assistance of his arguments and eloquence, and for the sake of himself, that he might have seen the time in which he should not have stood alone in opposition to unreasonable severity, but should have had at least the satisfaction of concurrents in the defence of innocence, though perhaps now, as then, he might fail of success.

However, my lords, it appears that even the parliament, in which there was not one found to second the remonstrances of that able prelate, and which may, therefore, be supposed to the last degree zealous in the establishment of the succession of the present royal family, thought it yet convenient to set some limits to their ardour, and would not continue unreasonable penalties to succeeding ages. They, therefore, limited the time in which children were to suffer for the offences of their parents to the death of the Pretender, or to three years after this succession should take effect; nor did they think it rational to suppose that such iniquitous penalties could be necessary beyond that time.

It cannot be said, my lords, it cannot be imagined, that they forgot the possibility of the Pretender's marriage, and neglected to provide against the danger that might arise from his children, only because they did not consider that he might have any posterity, and imagined that all claims to the crown of England would be extinguished by his death. For why, my lords, should they suspect that the Pretender would not find a wife? And if he had a wife, why should they suppose he would not have children? No gentleman could be more likely to marry than the Pretender; for he had, beside all the common reasons which might influence him in common with the rest of mankind, some motives which were either peculiar to himself, or by which at least few could be affected in the same degree, which might be sufficient to overbalance any inclinations to celibacy. He was under a necessity of marriage, not only for the sake of procuring alliances, to assist him in the pursuit of his imaginary rights, but for the sake of finding means for the support of himself; hopeless, friendless, and destitute as he was,

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what other refuge could he find from immediate want, and personal misery? Yet though this was apparently and notoriously his condition, the politicians and patriots of that time thought it necessary to end the extension of penalties to the descendants of traitors, whenever nature should put an end to his life; and it cannot be imagined that if those who passed that law were to return, they would now discover any reason which could influence them to alter their resolutions.

If they were to cast their eyes over the nation, they would find the faction of the Jacobites, which was then so numerous, so daring, so factious, and potent, is now shrunk into a sect almost invisible, and equally despicable for the smallness of its number, and the absurdity of its principles; a sect without influence, without property, without policy, and without leaders, without money, and without arms; a sect, therefore, from which nothing can be hoped by our enemies, and from which nothing is now to be feared; a sect which its own stupidity will extinguish, and which probably will be scarcely heard of in another generation. Against this sect it is surely by no means necessary to multiply our securities at the expence of our posterity; nor can we suppose that they who fixed this term to the law, without being able to foresee so sudden a change in the principles of the people, would think that change, a change so happy that the most ardent durst not flatter himself with expecting it, a reason for continuing penalties in themselves iniquitous, and defensible, if indeed they can be at all vindicated, only by necessity.

Can we imagine, my lords, that when, upon the first alarm of an intended invasion, they saw the court crowded with addresses, in which the people promised to support his majesty against all those who should attempt to disturb him in his possessions, or to dispute his title; addresses in which they declared, in the most expressive terms, their abhorrence of all attempts against him, their conviction of the security of their religion and liberties under his government, and their resolutions to maintain them by defending him who had so well preserved them; can we imagine, that they would think it proper to shew the nation, that they had congratulated themselves too early on their happiness, and that, in reality, their liberties were less secure than they believed? Would they reward the people for these declarations of loyalty with a penal law, and endeavour to alienate those affections which they had so suddenly gained?

We all remember, my lords, how lately his majesty declared himself satisfied with the demonstrations which he had received of the affections and fidelity of his subjects, nor does the message give any reasons for which a different opinion should be now formed. We are told, indeed, that our enemies were encouraged to invade us by 'the disaffected,' but we have not heard what encouragement they received, nor from whom they received it; the whole allegation is destitute of evidence, and indeed, of probability. The affections of the people have appeared in their addresses, their disaffection only in this message, and therefore there is more reason to acquit than to punish them. Nor can I think otherwise of this cruel, this unjust, this oppressive law, than of an action which was once preferred against a Roman citizen in the most corrupt times; an assassin having attempted to murder him, and failed by not reaching his vitals, indicted him next day, "for not having suffered all the dagger to enter his body."

The ministers, my lords, have been long endeavouring to put an end to liberty, to murder the body politic, and destroy our constitution; they have not yet been able to accomplish their designs; they have stabbed, indeed, with their full force, but have not yet taken away life, and are at last provoked by resistance, to contrive a penal law by which posterity may be enslaved.

That no present advantage can be hoped from the law for which they thus vehemently contend, is evident beyond dispute. For either the affections of the people are favourable, or opposite to the present government; if they are favourable, the reason for which this law is proposed falls to the ground; if they are opposite, this law, of which the operation may not commence in less than 30 years, cannot obviate any of the effects of the present disaffection; those who have incited our enemies will still continue their insinuations, and will have this reason more to continue them, that they will bring the happiness of their posterity into less hazard.

If it was my desire, my lords, rather to wrangle than to dispute, and to harass the ministry rather than to convince the House, I would move that some other remedy should be proposed, of which the

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effect might be more speedy, and that this proposal should be laid aside as insufficient, since those from whom danger is now to be feared cannot be affected by it, and posterity may discover other remedies equally suited to their particular distresses. But, my lords, by such a proposal I should appear to give credit to the message, and should concur in the accusation of the people; an accusation which I believe to be groundless, and therefore I cannot allow to be a sufficient reason for any measures, and surely not for the violation of natural justice, and the destruction of the liberties of our posterity.

Thus far, my lords, I have endeavoured to shew the absurdity of this law, from political arguments, and its iniquity from moral principles; but I must now consider, whether it is not equally contrary to law. It is well known to your lordships that, by the laws of Scotland, the posterity are exempted from being involved in the punishment of their fathers, and that we have no right, by the articles of the Union, to change those laws but for the advantage of that nation, which has too lately seen the destruction of its noble families by a short suspension of that privilege, to agree to another of longer continuance, and which, probably, will imagine any law of this kind as not obligatory, because it will be contrary to the original contract by which we are empowered to make laws for them: nor can it be said that their objections are without reason, or that, if this law should pass without their consent, they may not consider the terms of the Union as violated by us.

What may be the consequence of such objections, or to what extremities the peerage of that country may proceed, it is not possible to foresee; but it is surely better to prevent disputes and confusion, by doing right, than to violate the laws of justice, without regard to the consequences which may ensue.

I have no unwillingness, my lords, to contribute whatever I can to the security of his majesty, and of his illustrious family; but I am of opinion that the throne is always best secured by justice, and that no other measures are ultimately prudent. If, therefore, it be thought; if it be suspected that the present punishments denounced by our statutes against treason are not sufficiently severe, let us add new severities and new terrors. Let the guilty neither find nor expect mercy; but let not the punishment be extended beyond the crime. Let us not confound innocence and guilt, nor suffer those to languish in misery to whom nothing can be imputed, but that their ancestors were wicked; that some crime was committed perhaps before they themselves existed.

This consideration, my lords, I have often mentioned, but cannot think the repetition of it superfluous, while there are any who appear not to be affected by it. For surely, my lords, they whom it does not move, must either not have heard it, or have heard it without attention; for I should hope that no man could deliberately approve injustice so flagrant, so apparent, and so cruel.

Let us not, my lords, suffer ourselves to be lulled by the distance of the danger, or please ourselves with the consideration of our own loyalty, and the reflection that our conduct will not endanger our children. For, my lords, what is not just with regard to our children, is not more just when it respects the children of others; nor can I discover any other reason than parental fondness, for which we should suffer our remoter posterity to be involved in those calamities from which we rejoice that our children are exempt. Though undoubtedly every lord in this House is secure from any suspicion of treason; at least, secure under our present sovereign; yet it is not possible to foresee how soon the storm of confiscation may fall upon his descendants, and the nobility of his family be extinguished by an attainder; it cannot be known how soon a rapacious prince may mount the throne, who may endeavour to plunder his nobility by false accusations, or how soon a ministry may put in practice the ancient arts of forging plots, and contrive to obtain estates by detecting conspirators.

I suppose no lord in this House can conceive his family ruined, and his estate devoured by the violence of a court, without the utmost indignation; and why then should we concur in enacting a law which will naturally expose every man of wealth to be the prey of hungry villainy? I doubt not but every one of us desires the continuance and welfare of his posterity; and why should we expose our descendants to unnecessary and unmerited miseries? The condition of man is naturally subject to numerous calamities, which we all feel and lament, and which surely we ought not to increase and aggravate by unjust and unreasonable institutions.

There cannot, my lords, be a character

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more hateful than that of an oppressor of the innocent; nor is there any crime that excites more horror at its mention, or which mankind more willingly combine to punish. But, my lords, if oppression, in single instances, is so much and so justly detested, what can be said of him who promotes, or who enacts a law which can never be executed but with the oppression of innocence?

I have now long interrupted the deliberations of your lordships, but I hope, without saying more than the importance of the question before us will justify. If I have not willingly forsaken any argument, till I had endeavoured to establish it beyond the reach of objections; if, on so copious a subject, I have not passed over any thing that occurred to me, I have only performed my duty, and whatever may be the success of my endeavours, shall enjoy that satisfaction of which he that has done what his conscience demanded from him, cannot be deprived; nor can I yet conclude without once more imploring your lordships to have pity upon posterity, and not to condemn the next generation to enter into the world subject to punishment, for crimes which their progenitors committed.

I hope, my lords, the reverend prelates, whose abilities, and whose virtue have placed them in this august assembly, will instruct us, by their example, to prefer truth and justice to all private regards. They are, indeed, less interested in the decision of this great question than the rest of your lordships, since their titles do not descend to their posterity; and, therefore, if they oppose this Clause, they can oppose it only from their persuasion that it is absurd and unjust. But you, my lords, whose titles and whose fortunes are hereditary, and who think it some part of your happiness, that your posterity will enjoy your honours, and that your descendants cannot be confounded with the common people, have still other reasons to influence you to opposition. You, my lords, whose honours are ancient, and who derive fame and dignity from the actions and the sufferings of your illustrious ancestors, undoubtedly desire to transmit those advantages to future generations. And you, my lords, whose honours are lately conferred upon your families, must desire that they may, in time, obtain the sanction of antiquity. But if this Clause should once be made a law, the existence of our noble families is at the mercy of every prince, of every minister, of every informer, of every man who will swear falsely, or who can bribe another to perjury. It will be no security to be without guilt: he only can imagine himself out of danger who is without fortune.

There is yet another consideration which may contribute to determine the resolution of your lordships with regard to this Clause; a consideration arising from the character of those whom it is intended to restrain. The men, my lords, who form conspiracies against their sovereign, or who embroil their country, must, before they arrive at such heights of wickedness, have lost the softer sensations of humanity, or all regard for the maxims of prudence; they must be either cruel and bloody, or inconsiderate and rash; and it cannot be imagined that he who has no regard for his own safety will regard that of his posterity; or that he who can harden himself against the miseries of his country will be touched by the misfortunes of his family.

Let us not, therefore, my lords, make ourselves infamous to our own posterity, by bequeathing them a law which must keep them in perpetual alarms, and which will give wickedness so much advantage over virtue. Let us not concur in the annihilation of our own honours, and the destruction of our own families. Let us not break through all the rules of morality only to insure liberty, nor oppress innocence to recommend ourselves to a court by an useless compliment. If we must offer incense to the throne, let us offer it at our own expence, that posterity may rather ridicule our folly than curse our wickedness; and let us resolve not to prostitute the power, with which the virtue of our ancestors has invested us, to the destruction of those who, in time, will count us among their progenitors, but with this difference, that as we may reflect with veneration and gratitude upon that courage and honesty by which we are ennobled, they will mention, with shame and contempt, that cowardice and flattery by which they are enslaved.

Posterity, however, shall have no reason to count my name among those of their oppressors, for I never will consent to this Clause, and hope that justice will find so many advocates in this House, that this Amendment will be rejected.

Lord Chancellor *Hardwicke*:

My lords; having forborne, when

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I first proposed the Amendment, to engage in an examination of the several arguments which might be offered against it, I hope I shall be allowed to answer the noble lords who have spoken with so much vehemence on the subject, and to defend a motion which I still think just, and from which therefore I cannot recede without acting in a manner which my own heart would disapprove.

There is another reason for which I think myself obliged not to be silent. The noble lords who have thought it reasonable to oppose the Clause which has been offered, finding it consistent with former laws, and defensible by ancient precedents, have made no difficulty to attack the ancient institutions of our ancestors, and to condemn the fundamental and constitutional laws of their country, with licentiousness of expression, such as I never heard before upon any like occasion. They seem inclined rather to change the laws than admit the Amendment; and, for the sake of gaining a victory in this debate, treat our legislators and ancestors with contempt and derision.

I cannot but think that when the laws are thus contemptuously attacked, it is the duty of every lord, who has had opportunities of being acquainted with their wisdom and their excellence, to rise in their defence. And, surely, on this occasion, none will find it very difficult to vindicate them, since all the objections which have been raised have proceeded from false opinions, and erroneous conceptions.

It has been asserted, my lords, that laws, by which estates and titles are forfeited for treason, were originally projected under arbitrary governments, and that they are therefore to be rejected by a free people, as marks of servitude, and brands of infamy. But if the noble lords had made any enquiry into the original of these laws, they would have found that they were framed in a state of government which has been always considered as the most opposite to slavery; the government of the northern nations, whose intrepidity and resolution, and contempt of life, made it impossible to retain them in obedience by any threats of personal danger; and who could therefore only be restrained by the fear of endangering the fortunes of their descendants, and leaving their children destitute if they should fail in their enterprizes.

This law is, therefore, so far from being a mark of slavery, that it was contrived to awe them whom liberty had made fierce and ungovernable, and who would have trampled on every other method of inhibition. Nor was the law in itself unreasonable or unjust, for all possessions being grants from the king, of which grants fidelity and obedience were the constant conditions, the lands regularly and naturally reverted to the king, whenever the conditions upon which they were held, were broken by treason, or by rebellion.

Under these forms of government there are no estates primarily and properly free; but all lands are either tenures granted by the king, or some inferior lord, who can grant them on no other terms than those on which himself holds them; and, therefore, as no man is other than a tenant, no man can expect to retain his tenure longer than he pays the tribute which was imposed upon him in the original grant, by which he obtained it. Thus, my lords, I have endeavoured to shew the original, and explain the reasonableness of those forfeitures which the noble lords have been pleased to represent as absurd and unjust, but which appear to me the great instruments of government, and the most efficacious means of deterring the bold and the turbulent from attempting to disturb the peace of society with perpetual innovations.

It has been observed, indeed, by the noble lord, that they who will not be restrained by the sense of their duty, or the hazard of their own lives; who will either rashly or precipitately rush into sedition, or calmly and deliberately form conspiracies, must be too ardent and violent to carry their views to distant times, or too much abandoned to regard the miseries which they may bring upon posterity; but for my part, my lords, I am of a different opinion. A man may have so much confidence in his own dexterity, as to believe that whatever shall be the consequence of his undertakings, he shall at least be able to save himself, and find a place of security in some distant country; and if he has nothing to fear for his children, he will not be discouraged from setting his sovereign or his country at defiance. But very different must be his conduct, when he considers that he involves in his enterprize the condition of his posterity, and that nothing but success can secure his children from the heaviest calamities.

Every day's observation, my lords, will inform us with how much alacrity men expose themselves to danger, and with what patience they endure fatigues and hard-

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ships for the advantage of their families. And it cannot, I think, be imagined that the passions which produce so much virtue will not also prevent wickedness; or that those who willingly sacrifice their quiet and their health, will not, from the same motives, restrain their ambition, their revenge, or their avarice.

It has been already observed, that these forfeitures are every day incurred in the common execution of our laws; nor is it denied by the noble lords who oppose the motion, that the goods of felons become the property of the lord of the manor. And, surely, my lords, it ought not to be less dangerous to commit treason than felony; nor ought the rebel to be exempt from those forfeitures which are incurred by the pickpocket and horse-stealer.

I have heard, indeed, of a member of this House, who opposed forfeitures for treason, because treason was, he said, the crime of a gentleman; but I am far from intending to hint that any one of your lordships opposes the Amendment upon that principle, or with a view of securing any degree of impunity to himself. I doubt not but those who oppose the Clause abhor all treachery to their prince, and all attempts against the peace or liberty of their country, equally with those by whom it is defended; nor do I think that their opposition ought to be ascribed to any other motives than their own conviction of the impropriety of the measures which are proposed.

But by the same right as they oppose them, and with an equal degree of conviction, I endeavour to defend them, and believe that nothing has yet been offered, to which an ample and satisfactory answer may not be given.

The noble lord who spoke last has addressed the House in very pathetic terms, and endeavoured to inflame the passions of your lordships by a very moving picture of undeserved distress, the distress of children disinherited by the crime of their parents. But, my lords, he might have drawn a picture, not less moving, had he employed his genius and his eloquence in displaying the terrors of a conspiracy, or the tumults of rebellion; in setting before you a nation filled with horror, distraction, and amazement, exposed to all the miseries of a civil war, and filled with rapine, slaughter, and devastation. His picture was indeed affecting, but he did not shew the whole object, nor enable us to compare the severity of him who seizes the estate of a rebel, with the inhumanity of him who, by a false indulgence to guilt, encourages rebellion.

Bnt it is to be remembered, my lords, that the calamities which he described have not been often known. Offenders always recommend their children to the regard of the crown, nor have they been ever left without some support, nor often failed to be, in time, restored to the rank and title of their ancestors.

I cannot, therefore, my lords, be convinced, that this Clause can give any occasion to the tragical outcries of oppression, rapine, and tyranny, in which the noble lords who oppose it, have indulged their ardour; since it appears to me, that for the same reason that forfeitures were continued to the end of the Pretender's life, they may be continued to the death of his sons, as they now appear not less likely to disturb the peace of this nation, and to prosecute their imaginary claim to the British crown.

It cannot, therefore, be doubted, but that the parliament which passed the act in the seventh year of the late queen, by which the penalties for treason were regulated, would have extended their provisions to a more distant time, had they imagined that, in any distant time, their country would have been embarrassed with the same necessity; and we may, therefore, upon their authority, admit this Clause as consistent with their sentiments, though varying from their expressions.

The noble lord, who spoke last, has not, indeed, scrupled to declare that he disapproves even of the provision then made for the security of the succession, and appears to think the prelate worthy of his imitation, as an example of wisdom as well as integrity, who has recorded his own opposition to that act, and censured the punishment of children for the crimes of their parents as cruel and unjust. But for my part, my lords, my veneration for the memory of that great prelate does not hinder me from considering this passage of his work as superficial and inconsiderate; nor do I doubt, but he would have changed his opinion, had he carefully examined the question, and compared the arguments, which might have been produced on either side; but he undoubtedly determined in haste, and upon a cursory view, and having once publicly declared his opinion, did not afterwards find time to review it.

This, my lords, I speak without any de-

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sign of injuring the memory of a good man, nor would I willingly mention him in other terms than such as he might hear without being offended. My own esteem of his abilities inclines me to suspect that his authority, if not opposed, might have more influence than it can claim with regard to this question, a question which the legislators of almost every kingdom have determined against him. For, in almost every nation where government is established, the allegiance of subjects is secured by forfeitures of estate and titles, by any act of treason or rebellion.

Since, therefore, my lords, there is no reason why we should neglect any lawful methods of securing our liberties and our happiness, and since the means proposed in the Clause, which has been offered as an amendment to the Bill, are such as have always hitherto been accounted lawful, I cannot think that in a time of general danger they ought to be omitted.

I had no intention, my lords, in proposing this amendment, of censuring the Bill as it now stands: for it contains many useful provisions, and as it was undoubtedly drawn up with integrity, it may be considered as a proof of the affection and zeal of the nation for the present government, and, even without this Clause, may shew our enemies that we have no desire of any innovations, so that invaders have little reason to expect success. But, my lords, since these important purposes may be still more promoted by the addition of a clause, from which no ill effects can be dreaded, why should we hesitate to insert it, or why should we content ourselves with a less degree of security, when a greater may be obtained with so little difficulty, and by means so evidently consistent with the constitution of our country?

Either we have, my lords, or we have not, a considerable number of Jacobites still lurking about us, who, though they may at present be intimidated and distressed, are in expectation of a more convenient time for insurrections and disturbances. If there are many who yet retain these pernicious principles, this Clause is necessary to restrain them; if there are no such pests of society to be found, this Clause, though not useful, is at least harmless, because if there are none to offend, there can be none to suffer.

I, therefore, still continue to think the amendment which has been offered, reasonable and just, conformable to our own laws, and to the practice of other nations; absolutely necessary, if we have any intestine enemies waiting to destroy us; and at worst only useless, if it can be supposed that we are unanimous in our resolution to preserve our liberties; and therefore I shall vote for its reception, and hope every other lord will, when he has impartially considered the question, find reasons for concurring in the same resolution.

The Bishop of *Oxford*:*

My lords, I entered this House without any intention of interrupting the deliberations of your lordships with my sentiments on this occasion, nor had I thought it necessary to rise, had not this bench been particularly addressed by two noble lords, to whom it might be thought indecent to make no reply.

The noble lord who first appealed to the prelates introduced a text in a manner very ingenious and elegant; but I am convinced by the ingenuity which he discovered, that he is better informed of the true sense of the passage which he produced than to imagine that it proves any thing with regard to the present question. The meaning of the text, my lords, if its meaning can be doubted, may be easily shewn; it implies only that the wickedness of one man shall not be imputed to another in the day of general retribution. For in any other sense it would be apparently contrary to every day's experience, which shews that it is one of the calamities of our present state, that our happiness does not depend upon ourselves, but that every man is exposed to danger and misery by the crimes of others. Thus, my lords, we very frequently find children doomed to poverty by the extravagance, or tormented with diseases by the vices of their fathers; and nothing is more certain, than that almost every man finds some inconveniences, which more prudence, or more virtue in his father might have probably prevented. It is true, my lords, that the lives of children have never been destroyed on account of the crimes of their parents; but it has always been accounted lawful to seize the fortune of an offender, though as it has been already observed, the forfeiture has been very frequently remitted. For the children of a traitor are undoubtedly proper objects of compassion, like any other persons who languish under calamities which their own crimes did not

* Dr. Thomas Secker.

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procure; and though they can be no more said to have a claim to the restitution of their hereditary fortune, than he whose house is consumed by fire can demand to have it rebuilt, yet they have, like him, a title to compassion, and that compassion they have generally found.

The other noble lord has been pleased to appeal to us as proper judges of the equity of law; and though we have only the right of determining for ourselves in common with every other lord in this great assembly, yet I hope the doctrines which we profess to teach have such an effect upon ourselves, that we shall not willingly deviate from that justice, which it is our duty and our employment to recommend; and therefore, to avoid the imputation of determining without enquiry, I shall willingly offer the reasons which prevail upon me to conclude it just that the fortunes and titles should be forfeited of those who disturb the public happiness, or injure their prince by treason or rebellion.

My persuasion is first impressed by the general example of all other nations, among whom penalties have from the earliest times been practised, and practised without any such apparent inconvenience as might determine them to change their institution. And, my lords, where the experience of all mankind concurs in questions of which all mankind have capacity of judging, I shall not easily believe that they are mistaken; that they would not have found their error in so long a time, or that, if they had found it, they would not have reformed it.

In the Roman history, my lords, we find an instance of this kind of punishment, and an opinion given concerning it, which the judgment as well as the integrity of him by whom it is given must make of great weight with your lordships. A citizen (Lepidus) of that great republic was adjudged a traitor, and his children were to suffer by the confiscation of the estate. The great patriot (Brutus) of that time, who was their uncle, represented the hardship of their case, and applies to his friend (Cicero) for a mitigation of their sentence. As I speak without having made any preparation, I am not able to repeat the answer, which will undoubtedly occur to your lordships, and which must suffer much in its elegance by my representation; but in general I must observe that he defends the law by the practice of former ages, and the example of other commonwealths, and appears to think it necessary to employ the general fondness of parents for their children, as means to restrain them from attempts against the public*.

But my lords, in my opinion, this law may be justified by reason as well as example; for whatever any man can acquire to his children he may alienate from them, and as any man may waste his possessions by extravagance, he may forfeit them by treason. Nor has the heir of a rebel any better reason to blame his country that he is poor, than the heir of a prodigal; if it be said, that he loses the title or estate without guilt, let it be remembered likewise, in return, that he would have obtained them without merit.

I had no design to have troubled your lordships, and, therefore, can give my sentiments only as they occur to me in confusion, without the order which my regard for this assembly would have dictated, if I had prepared myself by premeditation. But I hope to be pardoned for any inaccuracy, on account of the necessity which compelled me to speak, and endeavour to support the opinion which I have formed, and the vote which I intend to give, and which I shall give without any reproaches from my own conscience; since I cannot but think it necessary to add to our constitution all the securities that can be formed, and to oppose to those passions which are so predominant in the mind of man, and which produce so much disturbance to society, all the obstacles that human wisdom can supply. The chief reason for which wicked men have generally embroiled or betrayed their country, has been the desire of aggrandising their names, and being considered as the founders of great families; and how, my lords, can this desire be more properly obviated, than by a law which shall deprive ambition of these expectations, by stopping the course of descent, and impoverishing his posterity?

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* The passages alluded to are in Cicero's Epistles, where he says, "Nec vero me fugit quam acerbum sit parentum scelera filiorum pœnis lui; sed hoc preclare legibus comparatum est ut caritas liberorum amiciores parentes reipublicæ redderet; itaque Lepidus crudelis in liberos, non is qui Lepidum hostem judicat. —Illud videtur esse crudele quod ad liberos qui nihil meruerunt pœna pervenit; sed id et antiquum est, et omnium civitatum." *Epist. ad Brutum.*

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The Marquis of *Tweedale:*

My lords; in the opposition which has been raised against the motion, some noble lords have indulged themselves in the liberties of ascribing it to motives not justifiable, and charging those who defend it with disregard of the public, and with a desire of gratifying their own avarice or ambition, by sacrificing posterity to the mercy of a court, violating the right of nature, and shaking the constitution of their country.

The means and the end, my lords, have been equally censured, and, in my opinion, the censure of both has been unreasonable and ill-grounded; nor can I discover why the ministers or advocates for the motion should be suspected of concealing their real motives, or of pursuing any other designs than those which they profess.

To impute those actions to bad motives, which may arise equally from the most upright intention, is neither candid nor just. For no man can be secure of that reputation, which every good man has learned to value at so high a rate, if he is not to be judged in consequence of his actions; if crimes which he never commits, and of which he declares his detestation, are to be imputed to him, and suspicion be allowed to sport away his character.

It appears to me, my lords, that the reasons which have been alleged in defence of this motion are sufficiently cogent, and that there is no necessity of conceiving any latent design, or imagining that more is intended than the secure establishment of our liberty, and the preservation of our happiness.

It is evident that at this time our liberties are threatened, and that troops have been prepared to force upon us a monarch whom we have excluded by our laws. And I am confident that none of your lordships need to be informed, how much you have to fear from the success of such an enterprise, or what would be the condition both of yourselves, and of that posterity for which so much tenderness has been so vehemently expressed, if the Pretender should be enabled, by the assistance of any foreign power, to seat himself upon the throne of England.

It is apparent, my lords, that our own liberties and privileges would be immediately destroyed, and that nothing would remain of that constitution, which we have been so long endeavouring to perfect and to support. But though this is a calamity which it is the utmost degree of infatuation not to obviate by all proper measures, yet is it not the worst which is to be feared; for it is not improbable that, by the Pretender's acquisition of these kingdoms, the Protestant religion might be obliterated, and the darkness of Popery once more cloud our regions, which have been so long enlightened by knowledge and by truth.

Since, therefore, the consequences which are to be dreaded from the expulsion of the present family are so dreadful; since so many enemies are united in the design of expelling them, we ought, surely, not to deny them any security which any of our former princes have obtained. We ought rather, my lords, to form new barriers against rebellion, and discourage treason by new penalties; for it is evident that never any people were so much interested in the preservation of their prince.

Other nations have only hazarded their present happiness by changing a mild for an oppressive government; but we are in danger of losing privileges which scarcely any other people could ever lose, and a religion which we believe to be more sure than any other, and more conducive to the great purpose of our being. And we, therefore, have reasons peculiar to ourselves for opposing the severest penalties to those who shall attempt to violate our constitution.

But it may be alleged that, though we ought not to neglect any lawful means of security, we ought not to use acts of government which are contrary to the end for which they are practised, the promotion of the public happiness; nor to inflict penalties, which cannot be defended by the laws of justice; and it is represented as undoubtedly certain, that children ought not to suffer for the crimes of their parents.

Perhaps, my lords, I might wish, with others, that no man could suffer but by his own faults, as I might desire that many unavoidable calamities of life were alleviated or removed. But nothing is more evident than that to wish that the son may not suffer by the faults or follies of his father, is to wish the order of nature inverted, and to desire alterations in the constitution of the world. For there are innumerable occasions on which no human wisdom or authority can secure the

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children from suffering, by miscarriages which happened before their existence. If a man squanders his estate in debauchery, who shall restore it to the son, however virtuous or deserving?

If it be reasonable, my lords, that a son should be condemned to obscurity, servitude, or want, because his father was luxurious, or negligent, or unsuccessful in his projects, is it unjust that he should suffer the same inconveniences, because his father was a traitor? He is equally innocent in both cases, and in both to be pitied as unfortunate, but not to be considered as injured.

It has been likewise objected, that the admission of this Clause will be contrary to the articles of the Union, by which it was agreed that no alteration should be made in our laws. But this objection can be of no force, since, though it is certain that the articles of the Union ought strictly to be observed, yet we are not restrained from enacting the penalties proposed, because no alteration will be made by them; the law will remain the same, and therefore as no grievance will be inflicted, no discontent is to be feared.

The laws of Scotland, my lords, were, before the Revolution, very unequal and oppressive in cases of treason, the crime not being defined, and the punishment involving all those who had any claim upon the estate or effects of the criminal; but these laws are now exchanged for the laws of England, except that as our tenures are different, and our estates in some cases unalienable, and the heir cannot suffer by the crime of a father, nor will he suffer though this Clause should be admitted.

There is, indeed, no reason for imagining that any of the people of England, except those whom it is intended to intimidate, will consider it as cruel and unjust; for, at the time of the Revolution, when the constitution was to be formed anew, and every man was encouraged to propose his objections and complaints, we find that though many regulations were made, the penalties for treason were not mitigated, nor was it thought reasonable to destroy any of those fortifications which bar out rebellion and confusion.

I hope, therefore, my lords, that we shall not be discouraged by specious objections, or loud assertions, from endeavouring to preserve our monarch from disturbance in his possession of the throne; and that we shall resolve to confirm the security both of our present age, and of future generations, by punishing traitors with that severity which the enormity of their crime must be acknowledged to deserve.

The Duke of *Bedford*:

My lords; I cannot agree with the noble lord, with regard to his assertion, that the Clause now proposed will be no innovation, and that it will be consistent with the articles of the Union. It is well known, my lords, that by the stipulation on which the Union is founded, no alteration is to be made in the laws of the northern part of the kingdom, and this stipulation must be meant principally with regard to criminal judicature; if, therefore, new penalties be inflicted, nothing can be more apparent than that the terms of the Union are violated, and that the contract between the two nations no longer subsists, since the terms are broken.—This, my lords, is an objection which certainly requires the calmest and most attentive deliberation. It is well known, how much both nations are strengthened by being united, and how easily either might be distressed, if the other should invite any ambitious power into the island. It is well known likewise how much every adherent to the Pretender desires to destroy this advantageous conjunction, and how much they endeavour to renew those jealousies which were extinguished by it.—How far the busy enemies of our happiness may improve the opportunity, which the enaction of this law will furnish them of misrepresenting our conduct, it is not easy to know, or what consequences these misrepresentations may produce. But how small, or how great soever may be the danger of complying with this motion, is, indeed, not in the first place to be regarded; it is sufficient that it is contrary to justice, and for that reason I shall vote against it.

The Duke of *Newcastle*:

My lords; through the whole course of this debate, I have observed that the noble lords who think it necessary to oppose the motion, have agreed, however otherwise they might differ, in ascribing the proposal now made to motives very remote from those to which, I sincerely believe, it ought to be ascribed, the desire of preserving our constitution and our liberties, and of defeating the schemes which have been formed for dispossessing the present royal family of the throne.—

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It has been imputed to the ministry, my lords, that they propose this law only to strengthen their own interest, and perpetuate their own power; and that they project this additional influence of the crown, only that the crown may not grow weary of employing such useful servants, or hope to find any who will pursue its interest with greater zeal, however it may affect the happiness of the people.

We have been told, my lords, that the continuance of this law is only another method of plundering the nation, and of enabling courtiers to grow rich by public calamities; and that no other reason can be assigned for it, than the desire of multiplying dependents, or of accumulating money—the lust of wealth, or of power; and that, therefore, whoever shall endeavour to support it, must lie open to the charge either of covetousness or cruelty, and be considered by the nation as a common enemy, who desires to rise to greatness by enslaving his country.

I hope my conduct has hitherto been such, that I shall be readily credited, when I assure your lordships that if I believed these accusations just, I should desire to exempt myself from them; and that if, in my opinion, this proposal was prompted by any unjustifiable motives, I would join my voice to the suffrages of the noble lords who have most ardently opposed it. And I declare, in effect, that I think the charge ill-grounded, when I affirm that, in my opinion, the motion is reasonable; and that I think the provisions which are now proposed just in themselves, and necessary to our security in the present state of our country.

It is agreed, my lords, on every side, that there is now in the kingdom a sect or faction which desires a change of government, and by which it is considered as one of the duties of religion, to promote the exaltation of the Pretender to the throne, to which they, however absurdly, imagine him entitled by a claim that no human authority can set aside, and that can neither be destroyed by the wickedness of the prince, nor by the unanimous voice of the people. With regard to the strength and numbers of this party, there are different opinions; and in all such enquiries there must be disagreement, because every man must speak according to his own opportunities of knowledge. Those who have happened to find few Jacobites, will naturally conclude their numbers to be small; and those to whom accident or enquiry have discovered many, will, with equal reason, determine that they are numerous, and consequently formidable.

I hope it will not be supposed, my lords, that on this, or any occasion, I am displeased to hear of the diminution of the Jacobites, or that I find much difficulty in believing that a party so absurd in its principles, and so dangerous in its tendency, is hastening towards extinction. But I cannot admit, that any law which may hasten the arrival of so desirable a period, is to be thought useless; and that we ought not to suffer the heads of a monster, almost expiring, to shoot out again by negligent supineness, or unreasonable indulgence.

With regard to the number of the Jacobites, an anxious and critical examination is by no means necessary in the present question; since, as has been very justly observed, if there are few, this law can hurt only few, and if there are many, there is a necessity that they should be awed by measures of severity, such as may hinder the perpetration of the crimes against which punishment is denounced.

Some Jacobites at least there are, and of them it is not unreasonable to suppose that they will act in conformity to their own principles, if the terrors of punishment were taken away. And it is, surely, not to be denied that we have enemies, who neither want art to inflame sedition, nor emissaries to fill their friends with expectations of assistance. We know that, from the Revolution to this time, they have always endeavoured to distress us by domestic insurrections, and that the Pretender has always been encouraged to renew his claim, and enliven his party, whenever we have attempted to check their designs and counteract their machinations. We know that the son of the Pretender was very lately preparing to invade us, and take from us that liberty which we have so long struggled to defend; and since, in my opinion, such enemies are by all lawful methods to be opposed, I cannot consistently with my former conduct excuse myself from voting in favour of the motion.

The question being put, it passed in the affirmative.

Protest against a Clause in the Bill for making it High Treason to correspond with the Sons of the Pretender.] The following Protest was entered:

The Order being read for the House to

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be put into a committee, upon the Bill, intitled, "An Act to make it high treason to hold correspondence with the sons of the Pretender to his majesty's crown." Ordered, that it be an instruction to the said committee, that they do receive a Clause for attainting any of the Pretender's sons of high treason in case they should land, or attempt to land in Great Britain, or any other of the dominions belonging to the crown of Great Britain, or be found on board any ship or vessel with intent to land there.

Then the House was moved that the 10th section of an act, made in the 7th year of the reign of her late majesty queen Anne, intitled, "An Act for improving the Union of the two kingdoms, relating to forfeitures, might be read." The same ordered accordingly, and was to this effect: Provise, 'That after the decease of the 'Pretender, and at the end of three years 'after the succession to the crown on the 'demise of the queen shall take effect, no 'attainder for treason shall extend to the 'disinheriting of any heir, nor prejudice 'the right or title of any person, other 'than the offender during his natural life 'only.' And it being also moved, That it be an instruction to the said committee, that they do receive a Clause or Clauses, to suspend and postpone the operation and effect of the said tenth section of the said act till after the death of the sons of the Pretender. The same was objected to, and long debate thereupon. The question was put, Whether such an instruction shall be given to the committee? It was resolved in the affirmative.

"Dissentient'

1. "Because this addition to the Bill enacts the continuation of a punishment which, though it may have prevailed at times, in this and other countries, we conceive it to be directly contrary to the first principles of natural justice, it being an uncontested maxim, that the innocent ought not to suffer for the sake of the guilty, where, by the nature of the thing, it is possible to prevent it.

2. "Because involving the innocent in the punishment of the guilty, is wholly inconsistent with that spirit of justice and lenity that distinguishes our law; and which says, 'It is better, that ten guilty persons should escape, than that one innocent one should suffer.'

3. "Because we conceive, that the postponing the operation of that clause, in act 7 of queen Anne, till the death of the Pretender's two sons, is contrary to the plain intention of that very act, which appears throughout to have been an act of lenity and mitigation; and to have been confined to the life of the Pretender himself, or three years after the succession of the present royal family should take place, the duration of those cruel penalties, of forfeiture of the estates, and corruption of the blood of innocent persons, as the utmost term it was proper or just to allow them; and we apprehend, that the Pretender's marrying, and having children, was at that time too probable and obvious an event, not to have suggested this provision, had it been thought either just or necessary.

4. "Because we are far from being convinced, that the terror of these penalties will so often prevent guilt, as the execution of them will oppress innocence; and we do not conceive, that those whom neither the innate principle of self-preservation, nor the horror inseparable from guilt can restrain, will be checked by the tender sentiments of parental affection.

5. "Because we conceive, that no present danger whatever can be urged as an argument for this Clause, whose operation does not commence till after the death of the Pretender, who is now but fifty-six years old; and we can see no good reason for anticipating a future and remote danger (supposing that such a danger could ever exist) in order to enact at present the longer continuation of so dreadful a penal law.

6. "Because we conceive the continuation is, in effect, perpetuating this severe law, since whatever reasons can be urged for it during the lives of the Pretender's two sons, will be equally made use of for continuing it as long as he or they shall have any posterity subsisting.

7. "Because we conceive, that as the Clause can have no immediate operation, the enacting it at present may seem rather to be an insinuation of present disaffection, than any security against it; which insinuation, we apprehend, would be highly unjust and unbecoming after the unanimous zeal and loyalty which the whole nation has so lately given proofs of, for his majesty's person and government, and with which his majesty has so lately from the throne declared himself satisfied. These reasons have induced us to transmit to posterity our dissent to a clause by which they may be so severely affected: we reflect with concern upon the heavy

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burthen of debts and taxes with which we fear we shall leave them loaded; and we desire that they may know that we endeavoured, at least, to secure their innocence from the rigour of those laws to which it may hereafter be exposed and sacrificed. ——*(Signed)* Denbigh, Oxford and Mortimer, Rockingham, Macclesfield, Foley, Westmoreland, Beaufort, Ward, Hervey, Litchfield, Warrington, Chesterfield, Bridgwater, Aylesbury, Talbot, Coventry.—For all the above reasons except the 4th. Bedford, Thanet."

Debate in the Commons on the Bill for making it High Treason to correspond with the Sons of the Pretender.*] May 3. The Commons took into consideration the Amendments made by the Lords to the Bill, intituled, "An Act to make it High Treason to hold Correspondence with the Sons of the Pretender to his Majesty's Crown," which were as follow, viz. p. 3, l. 8, after "High Treason," insert Clauses A and B.

Clause A. "And be it further enacted, by the authority aforesaid, That if the eldest, or any other son or sons of the said Pretender shall, after the said first day of May, land, or attempt to land, or shall be found in Great Britain or Ireland, or any of the dominions or territories belonging to the crown of Great Britain, or shall be found on board any ship, vessel, or boat, being so on board, with intent to land in Great Britain or Ireland, or any of the dominions and territories aforesaid, he and they, respectively, shall, by virtue of this act, stand and be adjudged attainted of high treason, to all intents and purposes whatsoever; and shall suffer and forfeit, as persons, attainted of high treason by the laws of the land, ought to suffer and forfeit."

Clause B. "And whereas, in and by the said recited Act, of the 7th year of the reign of her late majesty queen Anne, it is provided and enacted, That after the decease of the person who pretended to be prince of Wales, during the life of the late king James, and since pretends to be king of Great Britain; and at the end of the term of three years, after the immediate succession to the crown, upon the demise of her said late majesty, should take effect, no attainder for treason should extend to the disinheriting of any heir, nor to the prejudice of the right or title of any person or persons, other than the right or title of the offender or offenders, during his, hers, or their natural lives only: and that it should and might be lawful to every person or persons, to whom the right or interest of any lands, tenements, or hereditaments, after the death of any such offender or offenders, should or might have appertained, if no such offender had been, to enter into the same; be it further enacted, by the authority aforesaid, that the said provision, so made by the said last recited clause, shall not take place, or have any operation, force, or effect whatsoever, until after the deceases, not only of the said Pretender, but also of his eldest, and all and every his other son and sons."

To the title of the Bill add, "and for attainting them of high treason, in case they shall land, or attempt to land, in Great Britain, or any of the dominions thereunto belonging; and for suspending the operation and effect of a clause in the act of the 7th year of the late queen Anne,

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* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

May 3. The Commons proceeded to take into consideration the Amendments made by the Lords, and upon the Attorney General's moving the question of agreement with them on the first Clause, a warm and long debate ensued, in which I think as much violence and dislike to the proposition was shewn by the opposers as in any which had arisen during the whole winter. Many of both sides spoke; lord Perceval against us; the best on ours were the Attorney, lord advocate, sir W. Yonge; on the other, Fazakerly, lord Barrington, G. Grenville, Oswald. I thought neither Mr. Pelham's nor Pitt's performances equal on this occasion to what they are on most others. The division ran thus. Yeas 185; Noes 106; so it was resolved in the affirmative. Many of the prince's people were absent; for what reason I cannot learn.

This was the parting blow of the session, for the king came and dismissed us on the 12th, and the parliament broke up with a great deal of ill humour and discontent on the part of the Opposition, and little expectation in those who knew the interior of the court, and the unconnected state of the alliance abroad, that much would be done in the ensuing campaign to allay it, or infuse a better temper into the nation.

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for improving the Union of the two kingdoms, relating to the forfeitures for high treason, until after the decease of the sons of the said Pretender."

The first of the said Amendments was agreed to by the House. The second Amendment was read a second time, when the following debate ensued*:

The *Attorney General*† :

Sir; though the Bill now before us went through this House with great unanimity, yet as the Amendments made to it by the other House, are not only important, but, I think, absolutely necessary, I shall beg leave to explain them a little; and when they are explained, I hope, they will meet with a ready concurrence from this House. The first material amendment, I mean that for attainting the two sons of the Pretender, in case they should land, or attempt to land in Great Britain, or any of the dominions thereunto belonging, can stand in no need of any long explanation, or many arguments for procuring your approbation. If they, or either of them, attempt to land in any of his majesty's British dominions, we can make no doubt of the design they will have in view: we must be convinced, that it will be with a design to raise or countenance a rebellion against his majesty's government, and therefore, every gentleman must see the necessity of declaring them guilty of high treason, in case they make any such attempt.

I shall, therefore, Sir, say nothing farther upon this head; but the other amendments, by which the effect of one of the clauses in the act of the 7th of queen Anne is to be suspended during the lives of the Pretender's two sons, will require some more elucidation, not because it is in itself obscure or difficult to be understood, but because of the deceitful lights it has been thrown into, and the clamour that has been thereby raised against it. To my great surprize, Sir, this Amendment has been represented as inconsistent with religion, inconsistent with natural justice, inconsistent with our laws, and inconsistent with the freedom of our constitution. These are such heavy charges, that I think myself obliged in duty to the crown, in duty to this House, and in duty to myself, as I am to propose agreeing with the other House in this Amendment as well as the rest: I say, Sir, upon all these accounts I think myself obliged to shew, that every one of these charges are false, and that what is now proposed, is not only agreeable to religion, natural justice, and our laws, ancient and modern, but absolutely necessary for preserving the freedom of our constitution. In order to do this, if I dip a little farther into the writings of learned men, and famous lawyers, than is usual in debates here, I hope the necessity I am under will excuse the liberty I take; but before I begin, I must observe, that by this Amendment it is not proposed to repeal the law of the 7th of queen Anne, with regard to forfeitures for treason, but only to suspend the effect of that law for a period, which may, perhaps, be of longer duration than the period for which it stands now suspended; and, therefore, if I can shew that there is nothing irreligious, unjust, or inconsistent with our laws or liberties, in those forfeitures, were they to be made perpetual, I hope, it will operate more strongly in favour of the Amendment now under our consideration.

All that can be said, Sir, against forfeitures for treason, must proceed from mistaking or misrepresenting the nature of punishments, and the ends for which they have been introduced into human societies. Punishment is said to be 'malum passionis, quod infligitur ob malum actionis;' and therefore, in its own nature, it must be confined to the person of the criminal; for whoever pretends to inflict a punishment upon an innocent person, cannot properly be said to punish: on the contrary, he deserves to be punished, because in so doing he commits a crime, or a 'malum actionis;' and for that reason ought to have a 'malum passionis' inflicted upon him. However, there are many misfortunes, inconveniences, and losses, which innocent men are subjected to by the nature of things, and may be exposed to by the laws of society, for the preservation or welfare of the society. As there are many diseases that descend from parents to children, it is a misfortune for a child to be born of parents afflicted with such diseases: it is a misfortune for a child to be born of parents that are poor and indigent; but these misfortunes are not to be called punishments, because they are, by the nature of things, inflicted upon innocent persons. There are others, as I have said, which innocent men may be exposed to by the laws of society: such were

* From the London Magazine.
† Sir Dudley Ryder.

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the confinements which leprous or unclean persons were exposed to by the Jewish law; and such are those confinements which people are subjected to by our law, who are infected, or under suspicion of being infected with the plague: such, likewise, are the misfortunes, which attend children who are born of slaves, in countries where slavery is established: such were the incapacities of children born of plebeians, in the ancient Roman commonwealth, who could not intermarry with the patricians, nor be advanced to any of the chief posts in the government: and such are the misfortunes attending children born in this country, of parents who happen to be convicted of treason; because by their attainder they are divested of every thing that belonged to them, and therefore the children are in the same state as if they had been born of poor and indigent parents. But none of these misfortunes can be said to be punishments, nor were ever called so by those who understand any thing of the laws of nature or nations.

Both the learned Grotius, and the learned Puffendorf, are clear upon this subject. The former, in treating of what he calls the communication of punishments, in order to shew that an innocent man ought not to be made to suffer for the crime of the guilty, distinguishes between that damage or loss which a man may suffer directly, and that which he may suffer consequentially. A man suffers directly, he says, when any thing is taken away from him, which properly belonged to him; and he suffers consequentially, when he loses what he has a conditional right to, by the failure of the condition upon which he was to have it: and forfeitures he expressly mentions as a damage or loss of this last sort; because children have but a conditional right to their father's estate, that is, provided the father dies possessed of it. For this reason, that learned gentleman says, that forfeiture is no punishment upon the children, but only a damage which they suffer, not directly, but consequentially, by the crime of the father, which prevented the existing of that condition upon which they were to have had his estate; and after having thus distinguished, he concludes, that no man who is perfectly innocent can be punished for the crime of any other man.

The learned Puffendorf, again, treats this subject in the same manner, and almost in the very same words. He distinguishes between a damage suffered directly and consequentially: "The first is," says he, "when a man is deprived of that he has already a proper right to: the second, when that condition is intercepted, without which he could not enjoy such a right. Thus, when the estate the parents were possessed of is forfeited, the children, also, feel the loss of it: but, however, this is not a punishment properly, with respect to the children, because they cannot come to the inheritance of their father's estate, unless the father preserves it for them till he dies; and therefore, the confiscation or forfeiture only intercepts the condition, without which, the children can have no right to the father's estate."

To the opinion of these two learned moderns, Sir, I shall add the opinion of a very famous man among the ancients, I mean Marcus Tullius Cicero, who, in one of his Letters to Brutus, approves of the forfeiture of Lepidus, and says, it was as just to reduce his children to a state of want and misery, as it was in the Athenians to reduce the children of Themistocles to that wretched state; to which he adds, that this was an ancient and general custom in all commonwealths; from whence, I think, I may infer, that the forfeiture of traitors was a law which prevailed among the Romans, long before the establishment of their empire: and that this law was established among the Jews, even in king David's time, is evident from the story of Mephibosheth and his servant Ziba; for, from thence, we find, that the estate of Saul had been forfeited, but was restored to Mephibosheth, for his father Jonathan's sake, and was again taken from him by a new forfeiture, on a false suggestion of Ziba's.

Having thus shewn, Sir, that the forfeiture of a guilty father cannot be looked on as a punishment upon the innocent children, it can no way be said to be inconsistent with religion, especially that precept delivered to the Jews, which forbids punishing the father for the son's iniquity, or the son for the father's. That law was certainly meant against subjecting either the one or the other directly to any loss, damage, or inconvenience, for the crime of the other, and not against that consequential damage, which is brought upon the son by the forfeiture of the father; and, as I have shewn that forfeitures have been approved of by the most learned lawyers, both ancient and modern, and were established in the Jewish, Grecian, and Roman commonwealths, no gentle-

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man can, I think, have the confidence to aver, that they were, or are, inconsistent with natural justice, or the liberties of a free people.

The next thing I am to shew, Sir, is, that they are consonant to the laws of this kingdom, both ancient and modern. Here, indeed, I am at some loss what gentlemen may mean by our ancient laws; and therefore, that I may not be accused of any neglect, I shall go as far back as I can. I think, I may be very sure, that no man can tell what our laws were, or whether we had any, before the Romans came amongst us; if gentlemen mean by our ancient laws, the laws which prevailed amongst us, whilst we were subject to the Romans, then certainly, the law of forfeiture for treason was established, because it was then a part of the Roman law. If we come to the laws of the Saxons, and say, that these were the ancient laws of this kingdom, I think the point may be as positively determined in favour of forfeitures; for that the feudal customs prevailed among the Saxons, as well as among their other northern neighbours, is, in my opinion, clear to a demonstration: and it is certain, that by the feudal law, the forfeiture of the estate was the certain consequence of any breach of fealty in the tenant, or vassal. If we refer to the fragments, still remaining, of the Saxon laws that were established in this kingdom, the point will be as clear in my favour. It is very true, that from these fragments it appears, that fines, or mulcts, were the punishments inflicted upon most crimes; but still there were some that were punishable with death, or forfeiture of estate, and sometimes with both. By a law of king Ina's, it is expressly enacted, That whoever fights in the king's palace, shall lose his inheritance: 'Hæreditatem perdat,' are the words of the law. And, by a law of the famous king Alfred's, it is enacted in these words, 'Si quis vitæ regis insidietur, per se, vel per ultores mercede conductos, vel servos suos, vita privetur et omnibus quæ possidit.'

Thus, Sir, it is evident, that forfeitures were in use among the Saxons; and that they have been constantly in use since the Conquest, not only in treasons but in felonies, so far as relates to goods and chattels, no man can deny; therefore they must be allowed to be consonant to our laws, ancient and modern; and that they are not inconsistent with the freedom of our constitution, experience itself must bear witness; for we have hitherto preserved our constitution entire, and I doubt much if we shall be able to do the same, should forfeitures of all kinds be abolished; for it is certain, that nothing can be of more dangerous consequence to the liberties of a free people, than frequent civil wars. The first civil war that happened among the Romans, was that which they called the Sociale Bellum, or the war begun by the several people and cities in Italy, whom the Romans, that is to say, the citizens of Rome, would not admit to an equal share in the government with themselves. How long did they preserve their liberties after the commencement of this civil war? Not much above 60 years; for this war began about the year 660, after the building of their city, which was their æra; and Augustus Cæsar, after the battle of Actium, was confirmed in the absolute government of that vast empire in the year 725, of the same æra. And even in this kingdom, a civil war has, more than once, put an end to the freedom of our constitution; for the civil war between the Houses of York and Lancaster, established what I may very properly call an absolute government in the person of Henry 8; and the civil war between Charles 1 and his parliament, established an absolute government in the person of Oliver Cromwell. It is true, as our constitution is more perfect and better contrived than that of the Romans ever was, it has hitherto always recovered itself; but considering the change in the manners of our people, if it should hereafter be overturned by a civil war, I am afraid it will never recover; therefore, there is nothing we ought to guard more cautiously against than that of a civil war; which brings me to consider the end, or design, of punishment, and, in particular, of that punishment called forfeiture.

Sir, the chief end of all punishment ought to be, the general good of mankind, or of society. For this end, public punishments have been introduced; and those crimes which bring the greatest mischiefs upon mankind, or upon society, ought to be punished in the severest manner, 'ut unius pœna metus sit multorum,' and 'ut pœnæ genere deterreri cæteri possint.' Rebellion, or treason, is, of all others, the crime which brings the heaviest mischiefs upon society, especially when a civil war is thereby kindled in a country; therefore, in all ages and all nations, this crime has had the severest punish-

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ments inflicted upon it, and, generally speaking, in all countries as well as this, the posterity of traitors have been reduced to the lowest state of any subject, nay, in most countries, have been rendered incapable of honours or preferments; in order that they might be lasting examples of terror to others, for preventing their being guilty of a crime that might reduce their posterity to the same wretched state. This is the end of forfeitures and corruption of blood; and though they are punishments inflicted upon treason, they are not punishments upon the innocent children, no more than it is a punishment upon a child to be born of indigent parents, or of parents that are slaves. In both cases they are misfortunes only; and the misfortunes which the children labour under, are, in both cases, of great service to society. When we see the misfortunes that children born of slaves labour under, it inflames us with a love of liberty: when we see the misfortunes that children born of indigent parents labour under, it promotes our industry and frugality; and when we see the misfortunes that children born of traitors labour under, it makes us the more cautious of being guilty of the like crimes. The execution of a traitor is a fleeting example, which is soon forgot; but the misfortunes of his posterity is a permanent example, which many have continually before their eyes; and as this permanent example certainly contributes to the preventing of civil wars, it must, in my opinion, contribute to the security of the happy constitution we now live under.

Whether we should ever allow the punishments which produce these permanent examples, to be abolished, is a question, Sir, that I shall not take upon me to determine, nor is there any necessity for my giving my opinion upon it at present; but this I am very sure of, that we should not allow these punishments to be abolished during the life of either of the Pretender's sons; because, while they live, there will always be too many amongst us infected with an itch of rebellion; and all politicians, as well as lawyers, agree, that the greater likelihood there is, that a crime of any particular sort will be committed, the more severe ought the punishment to be; for the terror of the punishment ought, if possible, to be made superior to the itch of committing the crime; and as that itch, or inclination, will be stronger and more general, during the lives of the Pretender's two sons, than we can suppose it will be afterwards, therefore we must have, during that period, more severe punishments upon treason, than may be afterwards necessary to be continued.

I hope, Sir, I have now fully explained, and shewn not only the justice, but the necessity of the amendments made by the Lords to this Bill, and therefore shall conclude with moving, that this House do agree to the Amendments made by the Lords to this Bill.

Mr. *Henry Legge*:

Sir; as I chiefly rise up to second the motion made by my hon. and learned friend, and as he has spoken so fully upon the subject, I think, I need add but very little for inducing your concurrence with the Amendments now under consideration, especially when I consider who were the bringers in and promoters of this Bill. We must all remember, that the Bill was promoted in this House, chiefly by those who have been the strenuous opposers of all our public measures for some years past. Their opposition I cannot applaud, because I have constantly differed from them; but their promoting this Bill I must highly applaud, because, I think, it was an act not only of prudence, but duty; for it is very probable, that their opposition to our public measures, and the discontents that have been thereby fomented among the people, gave occasion for the late attempt to invade us. However much we here at home may distinguish between discontent and disaffection, it is not easy for foreigners to comprehend the distinction; therefore, when they hear of general discontents among the people, they are apt to conclude, that the greatest part of the people are Jacobites, and that they may overset our established government, by throwing in a handful of regular troops amongst us, to give countenance to a general insurrection.

This mistake in foreign courts, was, I am persuaded, Sir, the cause of their forming a design to invade us; and as the gentlemen who oppose our public measures, gave cause for this mistake, they were in duty, as well as common prudence, bound to endeavour to remove the mistake, which they, in some measure, did, by moving for, and promoting this Bill; but if they should oppose the Amendments made by the other House, and now under our consideration, they will undo all they have done; for, from thence, foreigners will judge that what

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they have done was only to disguise the secret sentiments of their hearts, and that, though they proposed making it treason to correspond with this young Pretender, they would be ready to join him as soon as he lands in this island; which, of course, would make his majesty's foreign enemies persist in their design of invading us with the very next opportunity.

This I shall grant, Sir, would be a second mistake in those foreign courts; and, I am persuaded, they would find it to be one, I hope a fatal one for them, should they ever land any troops in this island, with this young Pretender at their head; but this second mistake they may, very probably, be led into, if they consider the Bill as it now stands, and compare it with what it was when passed by this House It was then, I must say, Sir, a Bill of little or no significancy, because it added no new security to our established government, nor, in my opinion, threw any new difficulty or remora in the way of the Pretender's designs; for no plotting Jacobite can be under any necessity of holding a correspondence directly with either of the Pretender's sons: a Jacobite plot may be carried on as easily without any such correspondence, as it can be with it; and the making it treason to hold any such correspondence, no way enables the government to discover or defeat the treason. The Bill, therefore, in the form in which it was when it went from this House, was, as I have said, a very innocent Bill: it could do neither good nor harm; but by the amendments made by the other House, it is now good for something, and will certainly be a great security to our government, should either of the Pretender's sons, as both probably may, outlive him. What, then, can foreign courts think of those who countenanced this Bill when it was good for nothing, if they should violently oppose it, now that it is rendered good for something? Would there not be great reason to suspect, that such men promoted the Bill as it was passed here, with no other view than to conceal the Jacobitism lurking in their hearts?

I hope therefore, Sir, that those gentlemen who were the first promoters of this Bill, will readily agree to the Amendments, not only for the sake of their king and country, but also for the sake of their own characters. And, indeed, whatever gentlemen may think of themselves, I cannot think, that any gentleman is so zealous as he ought to be for the support of our present royal family, who is not for giving the crown as much security under this family, as it ever had under any other. I hope, Sir, I shall not be mistaken; I mean what is really necessary for the security of the crown, and can no way endanger the liberties of the people; for no other security the crown ever legally had. This power our present royal family deserve to have as much, nay, more than most of our former; because from the experience we have had, we may, I think, depend upon it, for two generations at least, that whatever powers we may give for this purpose, they will never be made a wrong use of; and as the power of forfeiting traitors is a power that has been lodged in the crown, ever since we had a being as a nation; as it is a power that, in my opinion, is absolutely necessary, as long as we continue in our present circumstances; and as it is a power that has never yet endangered the liberties of the people, I shall, therefore, be for continuing it in the crown, at least during the lives of the two sons of the present Pretender: for this reason, Sir, I second the motion made by my hon. and learned friend; and, for my own part, shall heartily concur with the Lords in the Amendments they have made to this Bill.

Lord *Perceval:*

Sir; I shall not preface what I have to offer in relation to the Bill now under your consideration, with any sort of excuse for troubling you upon this occasion. It would be a scandal upon this House, to suppose it possible that you should deny your patient hearing to any man, who rises, as I do, in defence of the most valuable privilege that this, or any other people, ever yet enjoyed, and which, as I conceive, is now upon the point of being lost eternally to this country.

This great privilege was obtained by a law made in the 7th of the late queen, intituled, 'An Act for improving the Union with Scotland;' by which it is provided, 'That, after the death of the Pretender, no man shall forfeit more than his life, or his estate farther than his life, for treason:' —punishment sufficient, surely, for any crime.

The Clause which the Lords have added to this Bill, against which alone I intend to speak, proposes, 'to suspend the effect of this law, till after the death of the Pretender's two sons.' But the reason for the

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doing of it is such, that it is ridiculous to say, that what you call a suspension, is not the same thing as a direct repeal; for when can this nation think to be without a Pretender to the crown?

Very many persons now living have children, who will, in all probability, continue a posterity to the latest ages, which, under the strict and vulgar notions of hereditary right, will stand prior in the succession to the family now upon the throne; and so long as any one of these, or of that posterity, subsists, there must be a Pretender to this crown.

I therefore think this a question of as much importance as ever came before this parliament, or before any national assembly in the world. It is no more nor no less than this, Whether you will, with your eyes open, without any foundation of the least necessity that can be pretended, (for the very provision you intend to repeal, will not take place till the death of the Pretender, who, in all probability, has many years yet to live;)—whether you will, I say, with your eyes open, without the least necessity, under a false pretence of guarding better against treason, with relation to the prince, commit treason against yourselves, become felons of your own constitution, and give away your lives and your properties for ever, to be held at the mercy of the crown?

Every argument that has been urged in favour of this Clause, is utterly fallacious. You are told, that you are in no danger under this family; that any man who rebels against this family, ought to suffer the worst penalties that can be suffered, since every man has it in his own power to avoid incurring the penalties of such a law. But, Sir, can any man that has ever read the history of any country, above all, the various revolutions in this country, doubt, that in a century or two, such changes must and will happen, as will expose you all to be ruined by this law? Can you depend upon it, that your princes may not degenerate in the course of nature, and of many generations? Can you trust all future ministers? Can you be secure, that none of your posterity may be fools or enthusiasts, or may even come under the lash of this law, in the just defence of the liberties of their country? Is virtue entailed either upon the crown, upon the administration, or upon your own families, to such a degree, that neither one prince, one minister, or one subject, hereafter issued from your loins, can ever act that part which will ruin your posterity under this law? Sir, the ancestors of almost every gentleman in this House have been ruined by this law, while it prevailed amongst us; I have many gentlemen in my eye, who would enjoy seats at this day in another House, by a title more ancient than those of most who now sit there, but for attainders, that, in different times, have happened in their families. All events must, in the nature of things, come round again: and I will be bold enough to foretell, that if you pass this Clause, in little more than one century, you will be found to have done that which will destroy the permanency of your own families; and that neither any honours you acquire, nor any inheritance of which you are now possessed, will, or can continue in your descendants, beyond the third or fourth generation.

Sir, when I look upon this law, and survey it with all its inevitable consequences; when I consider the temptation you would give by it to wicked and greedy ministers, who may arise, hereafter, to deprive you of your heads, that they may rob you of your estates; when I see how many of the noblest families have, heretofore, been taken off for their estates, and for no other crime; I may justly speak that, of this, which was said of the laws of Draco the Athenian, 'It is a law not written in ink, but written in blood.'

You have been entertained near three hours by two gentlemen, who have thought fit to speak in favour of this Clause. Were I to follow them step by step, I think, with submission, that I am able to shew, that there is very little weight in any one argument they have suggested to you. But I should be inexcusable to weary your patience to such a degree. I shall, therefore, confine myself to two or three heads, which involve every thing that is material in this question, and under which I may regularly answer what seems the most plausible in the matter, that has been offered by those who have spoke before me. I shall first speak to the rise and progress of this Bill, and then to the nature and consequences of it, as it now stands altered by the Lords.

I need say but little to remind gentlemen from whence this Bill took its rise in this assembly. An invasion intended by France upon this country, in favour of the Pretender's son, justly alarmed and created the indignation of every honest man in this country. An opinion that disaffec-

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tion prevailed in this nation, nay, that it even reigned in a very great party in this House, was, without all doubt, a great encouragement, I believe the principal motive for this desperate attempt. The warm opposition to the measures of the government, carried on in this House, was construed by all abroad, and by many at home, to be levelled at the prince and family upon the throne. In such a circumstance it was wisely, and it was honestly done by those gentlemen, to purge themselves of such an imputation. They took the only method to do it. They themselves brought in a Bill, they were the authors of a Bill to make it high treason to correspond in any manner whatsoever with the sons of the Pretender. They themselves proposed a law against the person espoused by France, which not only created a new treason, and subjected all the friends and abettors of that cause to the severest penalties, but, in particular, exposed themselves, as authors of this law, to be made the first victims to the resentments of that person, if he should succeed hereafter in that attempt, I speak of those gentlemen who moved for this Bill. Could men do more, could men merit more of this country, or of the family now upon the throne? Could men do any thing better to repair the ill effects of their former conduct, (suppose it ever so wrong) than those gentlemen have done, who took the lead upon them in a matter of so nice a nature, and in a time which I, and very many gentlemen in this House, thought a time of great danger?

But, Sir, did they imagine, did any man in the House imagine, when they proposed this law, that their zeal for the prince would have brought this evil upon the people? Did they suspect, that when they offered an additional security to the crown, the Lords, afraid to be outdone in the shew of loyalty, could have taken this method to prevent it, and have seized this opportunity to deprive us of the greatest and most valuable of all our privileges? Will it be believed in after ages, that the Lords, who possess those great hereditary honours and advantages which they enjoy above all other subjects, should be the first to take a step of this nature? Sir, when I add to this the breach of that confidence, which mutually exists between man and man in this House, and between both Houses, that so late in a session no matter of consequence shall be moved:—when, by virtue of this confidence, above half this House are already gone into the country:—when I consider farther, what an aggravation this conduct must receive from the sudden, and almost unparliamentary manner in which this is proposed to be done, by a clause thrown in at the Committee in the House of Lords, which admitted a point to be debated there but twice, which has confined us but to one debate upon it in this House; whereas, every private Bill, of the most trivial nature, cannot regularly pass in either House, without six or seven opportunities to consider it in its progression: I say, when I reflect upon all this, I stand astonished. God knows who has been the author of this advice; I neither know nor care; but it is my duty to pronounce what I sincerely think, that it is the greatest act of indiscretion, that the annals of this country have ever yet recorded;—and, I will add, perhaps the most fatal too: for if gentlemen are to be deceived in this manner, and if this Clause should pass in this manner; if duty, loyalty, and affection, are to meet with these returns, the eager demonstration of these principles will be rarely found, when, perhaps, it may be most wanting. This instance will be remembered, and either become a reason, or be made a pretext for that coldness to the crown, in times of danger, which I never wish to see.

The hon. and learned gentleman who spoke first in this debate, and distinguished himself so greatly by his long and laboured speech, has laid down these two positions, upon which he has built his whole argument, That this Clause is consistent with natural justice; and, that it is consistent with our ancient and modern constitution. Yet, notwithstanding all that he has said, I must take the liberty to maintain the contrary.

As to natural justice, no one principle can strike the mind of man more strongly, at the very first view, than that the innocent ought not to suffer for the guilty; and that every man should suffer only for his own fault: can there be a man so absurd, in this, or any other assembly in the world, as to deny this proposition? To deny this, is to violate the fundamental laws of all society: to be ignorant of the true nature of punishments, and of the only title men have to inflict any severities upon each other. The rights of mankind, in a state of nature, still subsist in a society;—they ought to subsist; they ought to be abridged in none, farther

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than is absolutely necessary for the preservation of society. It is vain, it is nonsense to say, that the safety of society can consist in, can be advanced or preserved only by the ruin of the innocent widow, or the harmless infant, and of thousands yet unborn.

How then does the learned gentleman attempt to palliate the force of this principle? He owns the principle, and he says, "if any man will convince him that this Clause can deprive any one innocent person, either of his natural or legal rights, he will be against it himself. But," says he, "no man has a right to any property, but by the laws of the society under which he lives; and the laws of his country give no right to the child till the death of the parent."—Sir, the gentleman has made but two mistakes in this argument; but they are, unluckily, such as overturn the whole. For, first, every man may learn from his own breast, that by the laws of nature, all mankind ought to succeed to their ancestors; they are intitled to expect it by the order of all things, and as a kind of retribution from their parents, for their being the authors of their existence, which, without any inheritance, is a state of the utmost wretchedness. And as to the laws of this country, the very law which we are now about to repeal, has created this property in the child, and the child is actually vested in this right, by the very laws of this society in which we live. The fine reasonings of Puffendorf or Grotius have, therefore, nothing to do in this question. The gentleman supports his argument by authorities, which, putting the case as it really stands, all rather make against him: he applies the reasonings of Puffendorf and Grotius upon another case to this case, which totally, and fundamentally differs from that upon which they argued.

Cicero, too, is brought in to support this cruel opinion: a letter of his to Brutus is quoted upon us, in which he justifies the severities used to Lepidus and his posterity. But I dare venture to say, there is not one gentleman in this House, who knows any thing of Cicero or of his writings, who does not know, that this very letter, which is to be put upon us as an irresistible authority, is no authority at all; for it is generally, if not universally allowed to be a spurious letter, not written by Cicero, but for Cicero many hundred years after Cicero was departed out of this world. And, in truth, had he written this letter, it would have had very little weight with me. Cicero was, indeed, a great orator, he made long and fine speeches; he is thought to have been greatly learned in the laws of his country; but he was a notorious time-server, a thorough man of party, and, with all that, a coward. Would it be any wonder then, when Lepidus was ruined, if he, in his familiar correspondence, had expressed himself with bitterness against Lepidus, and all that belonged to him? Would it be any wonder, if such a man had rejoiced and exulted in the misfortune of his adversary; or if his fears had carried him even to wish destruction and extirpation to a family, whose recovery might have proved the ruin of him and his? But, after all this, Cicero is an author who should be quoted with some care; for, whether from these reasons, or any other, as his public conduct was a scene of contradictions, so he contradicts himself in his writings too. Of this, I recollect an instance to the very point: in his book De Natura Deorum, he positively says, "That no man could bear to live in a country, where the son and the grandson should be punished for the crimes of their grandfather and father." If, therefore, I should allow the hon. gentleman, that his letter to Brutus was (as it is not) a genuine letter, which would be the best authority? Cicero in a familiar letter, in an unguarded, heated, fearful state? or Cicero in his study, writing upon the most serious subject, and upon the express subject; and using the utmost care, and the utmost reflection, to deliver down a system of religion, or morality, to future ages?

The learned gentleman then goes on to inform us, that the laws of Greece bore hard upon the innocent; and that the children of Themistocles were disinherited and banished for the crimes of their father. First, as to this, there is no example upon earth will ever weigh with a reasonable man to do that which is, in itself, either cruel or unjust. And next, as to the laws of Greece, the gentleman means, and must mean chiefly, the laws of the Athenians; for of the laws of the other Grecian states, we know but little, and as to these laws of the Athenians, they have been universally considered, in all ages, as the most severe and unjust that ever any people lived under, excepting those of their neighbours, the Macedonians and the Persians, who extirpated whole families for the crime of one single offender. But even here, as to Themi-

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stocles, the gentleman is again mistaken; for the children of Themistocles were not banished for their father's crime: Themistocles was accused of a misprision of treason, in not divulging what he knew of the conspiracy of Pausanias against the Greeks in favour of the Persians. Whether he was guilty of this crime or not, did never appear; for he was never tried for it. He fled, his children fled to him, and so became *participes criminis*. They abandoned their own country, and were, therefore, punished for their own fault; they retired to Persia, and made themselves subjects to another state, where they obtained distinguished privileges and great estates. Plutarch particularly tells us this, and that their descendants enjoyed these privileges in Magnesia, which they had received of Xerxes, even in his own time, which was near 600 years after.

I now come to speak to our ancient and modern constitution, with which the hon. gentleman says, this Clause is perfectly consistent. Perhaps I may be thought too venturous, when I contest this point with a gentleman so eminent in his profession; but, Sir, I think I am well founded to maintain the contrary. As to our constitution, we seldom hear it talked of with common sense. You may find in what men commonly call our constitution, arguments and examples for any thing you will. Nothing is so vague and unsettled, as our constitution was for many centuries. If a man stands up for the prerogative, he may quote you powerful precedents, from the reigns of Richard the 2d, and other princes like him: another man, to enforce popular or romantic projects of reformation, may quote upon you, things equally extravagant on another side, by turning his eye upon our histories in times when popular fury has overborne this government. For my own part, therefore, I never knew how to ascertain the constitution of this country in any degree, but in two periods; the Saxon times, before the Conquest: the present æra, since the Revolution. The intervening space between these two was all confusion; a chaos of contradictions in the regulations of this state; an eternal struggle for uncertain power, between the barons and the crown, the crown and the people, or the people against both.

With regard, then, to the first period, that of the Saxon times:—If the gentleman can justify his argument from the authority of those times, what he shall say may have some weight. All our most valuable privileges, the principles of this government, the common law of this land, are derived from our Saxon ancestors: but did they know any thing of this inhuman law? No, Sir. Notwithstanding what I have heard in this House now, or in another place the other day,—neither they, nor any of the nations founded upon the Gothic principles of government, were acquainted with it. Surely, gentlemen forget what kings were in those ancient times: kings were, in all the northern nations, at first, only leaders of the people in the day of battle, and judges of the people in the day of peace.—Do not let it be thought, that I mean to speak with disrespect of the royal dignity, or to draw any thing I may say upon this head into any argument of diminution to the present prerogative of the crown. Positive laws, and long precedent, entitle the crown to it; and the very age of this government makes it even necessary for the people, that they should be ruled by stronger powers than in its infant state. But I will speak the truth, in defence of this great cause: and the truth, in the way I speak it, ought not, and cannot give offence. Is it reasonable to suppose, that this total ruin of posterity should have been allotted as a punishment for any crime against a general or a judge, or any magistrate vested in such moderate powers, and considered in so different a light as our princes were in those ages? It is most unreasonable to suppose this; nay, the fact is clear against it: the punishments for the highest crimes, were then commutable for money;—even murder itself was to be answered by a fine. The price was fixed and stated according to every man's degree:—and the rate of the fine with regard to the person of the prince, was only three times the sum which was decreed for that of a private nobleman. How, then, will my learned friend be able to reconcile this extensive forfeiture of whole families with the ancient constitution of this country? The contrary is most evident: no man was to forfeit, even in his own person, for the worst of treasons; for it is a manifest absurdity to suppose, that the law should prescribe a confiscation of the traitor's estate, and yet leave it in his option, whether he would fine to redeem his life. Out of what was he to raise that fine, if his estate was to be wholly forfeited to the crown?

But as nothing explains the nature of the law better than the practice of the law,

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I must take the liberty to strengthen what I have said by one precedent, which I chuse to urge, rather than a multitude of others, because it occurs in the very last period of the Saxon government, and a very few years before the Norman conquest. Earl Goodwin murdered Alfred, brother of king Edward the Confessor. This, as I think my lord Coke observes, was then treason, and so continued till the 25th of Edward the 3rd, which limited treasons in this, and many other cases. Now, Sir, let us see how he was punished for it: he was tried, with great formality, in the Wittenagemot, or Saxon parliament; he was found guilty. The judgment pronounced against him was only this, That he should go, in an humble manner, to the king, to beg his pardon for having killed his brother, and to pay him twelve handfuls of gold. How, then, would a Saxon parliament have endured a proposition, such as that we this day deliberate upon?

It is now very proper to enquire, how these unhappy principles of government first got footing in the world, and then how they made their way into the system of this constitution. Our laws are all either of Saxon or Roman origin. What the Saxon were, we have already seen; that the Roman knew nothing like this cruelty in the early ages of that commonwealth we likewise know. Read the laws of the twelve Tables, (and that government had stood above 300 years before they were collected) you can discover no trace of this severity in them. In the purity of that government they were strangers to this savage policy;—but it crept in with tyranny. The 'interdictio aquæ & ignis,' mentioned by the hon. gentleman, was banishment, or, as some pretend, capital punishment; and this was, as the hon. gentleman observes, a punishment for treason. But it was not till the reign of Tiberius, that confiscation of the goods, or, as they termed it in the words of the law, 'a deprivation of the right of making a will,' was added to the penalties of that law. From that time forward, thus enforced, it continued the Roman law. But you see how it was first obtained. It became first the law of Rome, when the subjects of Rome aimed, in every act, to accomplish, as far as in them lay, every wish of their most abandoned emperors. One of them wished that the people of Rome had but one head, that he might take it off at one blow. The broken, subdued, and corrupted people, went as far as they could in their servile adulation; they submitted every neck, as well of the innocent as of the guilty, to his capricious will. When the emperors had attained this power, it can never be forgotten how they used it. After this power of confiscation, and the ruin of families, were once decreed, treason altered its face and nature: it was treason to be industrious, it was treason to be parsimonious, it was treason to enjoy property; it was estates, not men, that afterwards rebelled; and so, in length of time, it most certainly will be hereafter in this country, should this fatal Clause be passed into a law.

Sir, after the ruin of the Roman empire these Roman institutions slept, nay, were even lost, for some ages. It was not till about the time of the Conquest of England that they were recovered, or revived. As the Gothic princes encreased in power, and consequently in ambition, and the desire of more power, it was to avail themselves of these Leges Majestatis, that they first insensibly introduced the Roman, or civil law, and endeavoured to make it a part of their respective constitutions. The best writers, and the most incontestable authorities, positively give this reason for its revival in these states; and the intention was, by some nations, so plainly understood, that I remember, at one period, in Spain, when Spain retained its ancient Gothic freedom, it was, for this reason alone, made death to read or study the civil law. The civil law never yet entirely prevailed in this country: but this, the worst part of it, though we know not exactly how or when, was artfully woven, about the same time, into the laws of England, and we long groaned under its oppression. Though it met with interruptions and restraint from the statute De Donis, in the reign of Edward the 2nd, and other laws, it was revived again about the time of Henry the 7th, and 8th. And, as the same causes will ever produce the same effects, numbers of our greatest families have been ruined by it. It grew worse and worse, and, in some reigns before the Revolution, the evil increased upon us; till, in the reigns of Charles the 2d, and king James, no man could live in security from this power, and from the race of informers always bred and nourished by it, wherever it has prevailed; and there can be no doubt, but for the Revolution, which followed soon after, this nation had, by this time, felt the same miseries

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from it, that were experienced in the worst stages of the Roman empire.

It is true, that at the Revolution, this nation did not immediately regulate this grievance; they made some conditions, and a declaration of their rights: but it is no argument, because they did not redress this evil at that time, that it was no evil. As much as I value what we gained at that time, neither I nor any man will say, that we gained all we wanted. The truth is this: the Revolution was brought about so suddenly, and in such a manner, that it is rather a wonder that we gained what we did, than that we gained no more. The prince of Orange, was, in effect, our king the moment that he landed;—backed with a great army, supported by men, who having called him in, could not quarrel with him, without ruining themselves. It was too late to make terms with a prince who was already possessed of the regal power, and who plainly shewed, that though he desired to be ruled by law, he still intended, that the law should not bear much harder upon the crown, during his reign, than it had done in former times, But the Scotch, who had suffered, if possible, worse than we, were more attentive to the redress of this grievance. *Procul à Jove*, they had more time and opportunity to parly with their new sovereign, and a law to repeal this cruel prerogative, was a principal condition of their submission to that prince. They had already obtained some security, in the first parliament of king James the 2d, in 1685, by a law that enabled them to entail their estates, with a clause, however, that it should not prejudice the crown, as to fines or confiscations, for the punishment of crimes. At the Revolution, they acquired a great addition to it; for the aforesaid clause, whereby it was declared, that his majesty should not be prejudiced as to his fines and forfeitures, was then rescinded and repealed. This, and other distinguishing privileges, in respect of treason, particularly in regard to Dower, they enjoyed, when the Union took place between the two kingdoms.

When the treaty for this Union first commenced, in the 5th of the queen, the Scotch were too wise to part with so great a privilege. It was absurd that the two nations should be governed, after the Union, by different laws, in a point of this importance; yet it was difficult, in the immediate reign, to prevail upon the princess on the throne to part with such a power. The Act of Union therefore passed, leaving the point of Trials for Treason undetermined; which point was then understood to be intended to be adjusted afterwards.

Accordingly, not long after, the parliament was requested, from the throne, to take the matter under their consideration. An accident then happened, which, I hope, will never happen again, though it was fortunate to us in this instance; the princess on the throne had no heir; she was, therefore, the more easily prevailed upon to yield this privilege to all her subjects after her own time. The people of England gladly seized the opportunity to obtain so happy a provision, though in reversion: the Scotch generously consented to a compromise, that they might secure the liberty of that nation, of which they were then becoming a part; they consented temporarily to give up their undoubted right to some of the most valuable articles of their privilege, particularly with regard to dower, and lands held on courtesy by the husband, that we might eternally enjoy this privilege, in future, and in common with them: every Scotsman, and every Whig in this House, excepting a few, for private reasons, voted for that law. Thus it was obtained. This is the true history of this matter. The origin of the former practice you see was tyranny; the effects of it in that country, where it first prevailed, and in this country, after it was adopted here, have been tyranny: I think, therefore, I am now justified in asserting, that it is contrary to the ancient constitution, contrary to the modern constitution of this country, contrary to the Union, (as I look upon it to be one of the conditions by which Scotland stands united with us) contrary to the Revolution, at least with regard to one part of these dominions, for the Scotch had made these terms at the Revolution; and I think I may go farther still, but I shall speak modestly upon that head; I submit it to the House, how far it is contrary to the very settlement of the present royal family upon the throne. Many gentlemen now sitting in this House, remember the unhappy prejudices of many of the people, with regard to this family, before they came to the crown. They remember, that the establishment of this family depended upon a question, which was providentially carried, though but by one vote. Now let gentlemen candidly consider, whether more than the person who gave that single

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vote, may not, with reason, be supposed to have conquered those prejudices, from the expectation of the future acquisition of this great privilege under the House of Hanover. If so, I should, at least, speak justly, should I say, that the present family owe their possession of the crown to this privilege. I then leave it to the breast of every gentleman in this House to determine, for I shall not enter into a disputé of words, how far this is, or is not, a condition of the settlement of the crown in the House of Hanover.

I now beg leave to speak to the main argument of the other hon. gentleman, with regard to the security of the crown; "That the crown should be made as secure to this family, as it ever was to any other;—and that without the repeal of this privilege, the crown will not be as secure as formerly."

Sir, God knows my heart, and I am much deceived if any man upon earth ever yet doubted my affection to this family. Every gentleman in this House can bear me witness, that ever since I have sat here, I have done my utmost to preserve it even from the most remote danger, and so am I determined to do as long as I live. This very zeal, however it may be taken, or I am mistaken, is one of my greatest motives for the part I take this day. I cannot hear this argument without the utmost indignation. The crown, in the present royal line, cannot be safe without the repeal of this privilege! What is this but, in other words, to say, that such is the title, such is the government of this family, that they cannot be secured but by laws of cruelty, laws not founded upon the principles of natural justice, and by the power of ruining the innocent with the guilty? Such a portrait of this government strikes with horrors, and not with that just affection and concern, which, I am sure, is due to and for this government.

His majesty has ever made the law of this land the rule of all his actions. Our constitution, infinitely improved by the terms and conditions of the settlement of his royal House in these kingdoms, is a security to him, and to his family as long as it shall last, such as no other family upon this throne ever enjoyed before. While that constitution stands, while those acquisitions remain entire, which we obtained by his accession, and which we know must perish with his family; he is stronger, he is firmer in his seat than any of his predecessors; but consider well to what he owes this strength and safety. It is to this consideration only that he owes it, a consideration operating in his favour, more than a thousand penal laws to increase his power or prerogative.

I have been nourished from my childhood in the strictest attachment to him. I have been confirmed in it since, and it is due from me by many considerations, both of public and private gratitude; but take away this, and some others of those privileges, by which this government is so gloriously distinguished in this last æra, where is the man that will not become indifferent? What man will care by what family we are governed, or by whom the sceptre of these kingdoms shall be borne? Whatever gentlemen may think, when they attempt things of this nature, and though I dare say that they mean it well, yet I am fully convinced, that he who consents to repeal this, one of the greatest acquisitions made by this nation since the Revolution, gives his consent rashly to cheat the crown of its strongest defence, and to substitute the shadow of a vain and cruel prerogative in the place of its most solid guard.

I must consider this point of security a little farther. We have lately seen an attempt to invade this kingdom, with a view to dethrone his majesty. I have weighed every circumstance of this insolent attempt with the utmost impartiality. The judgment I have made upon it I believe is just. I differ in this, as I do in most of their opinions upon our public affairs, from those gentlemen with whom I vote this day. They thought there was no cause for apprehension;—I think there was great cause for it. But whence did I ground those apprehensions? Sir, I feared it not from the active disaffection of the friends of the person supported by France: it is equally idle to say, there are few in his interest, and equally idle to say, their numbers are so great as to enable them to bring about any revolution in his favour. The danger lay in this, by all that I then observed, not in the spirit of the enemies, but in the coldness, indolence, cowardice, or caution of the friends of this government. It was not from those who would have joined the Pretender, but from a disposition, very notorious in a great part of mankind, that they would run no risk for the assistance of any prince on earth.

Thus, Sir, had the French army landed,

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this kingdom had been fought for by six or seven thousand men; at most, against twice their number. The fate of England depended upon one battle. England might have been lost, as it has been formerly lost, by the event of one battle. This I thought a dreadful circumstance. If this be true, as undoubtedly it is, let us apply it to the present question. If the danger of the prince upon the throne consists in the fears of his subjects to support him, what are you doing by this Clause? You ruin his interest, under the notion of strengthening his hands. Every additional penalty for treason, is a farther encouragement to those who would venture otherwise in his defence. Men, upon such an event, will consider what may be the consequence. They are sensible, if they should be worsted, that the laws provided against their enemies, would then carry their edge upon themselves, and that they should themselves become the traitors. This reflection would, undoubtedly, restrain the zeal of many; and thus the crown would certainly lose more by the apprehensions of its friends, than it could possibly gain by the terrors, which such a provision might scatter among its enemies.

Gentlemen, perhaps, will answer, that it may operate equally both ways. To this I would first say, that allowing this to be true, then, at least the Clause can do no good. But I deny it. I say it would not operate equally, and this will appear by a due reflection upon the different characters of those who are ready to attempt against government, and those who are willing to defend it. The first are men of rash, furious, and inconsiderate characters. They are men of desperate fortunes, who laugh at your provisions for the confiscation of their posterity, to whom they have no estates to leave. Whereas, they who are naturally disposed to maintain government, are men of the best sense, who reflect seriously, and consider coolly upon the consequence of every step they take; men of gentle and humane tempers, who regard their wives and children tenderly; men of great properties, great rank, and hereditary honours; by which they are tied to the government under which they are protected, and which they will be very unwilling to put to any hazard. From this difference of character and circumstances, it must be evident to every thinking man, that the severities you are now proposing to enact, are such as can have little or no effect to deter any one man from entering into treasonable practices against the prince in possession of the crown, but they are such as will deter thousands from affording any personal assistance to him, in case of any such event.

Let us learn by experience, and profit by example. Did this, or any other extravagant power, secure the person, or the government, of a single emperor in Rome? It availed to fix an eternal tyranny upon the people of Rome. It never fixed a single family. It never preserved an emperor. If it prevented open rebellions in a few instances, which it is not evident it did in any, the prince's lot was not at all the better for it. Time begot emperors and ministers, who were weak enough, trusting in the vain protection of this empty power, to commit a thousand outrages upon the people. These injuries begot traitors, and the rigour of the government begot despairing traitors. From that time forward, Rome became a very shambles both to the princes and the people. All attempts against the emperors were made upon their persons; and treason, when it takes this turn, can never be resisted. It may be ascribed to laws of this nature, that scarce ten of their whole number died a natural death.

I have troubled you very much too long, though I have yet a great deal more to say upon this subject. But I will stop here. I am sorry, for the credit of this government, to which I wish so well, and for the ill use that may be made of the very motion itself, (whether it should pass or not) that this Clause was ever brought before us. It is contrary to natural justice, it is contrary to the ancient and modern principles of this constitution; it is big with ruin to the people, and with danger to the prince: and, for these reasons, my voice shall go as loud against it as I am able to give it.

Mr. *Nicholas Fazakerley:*

Sir; as I was not only one of those who promoted this Bill, but one of those who moved for it, and brought it in, I think myself called on, to give my reasons for moving for it; and as I am against agreeing to, at least, one of the amendments made by the other House, I shall at the same time give my reasons for being against that amendment. When his majesty communicated to us the intelligence he had received, that the eldest son of the Pretender was arrived in France, and that preparations were making there to invade

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this kingdom; and when, by an information which was soon after, by his majesty's order, laid before us, it appeared, that the Pretender's son was actually at Calais: I say, when these things were communicated to us, I considered the dangerous situation we were in, with regard to that young gentleman. The father stood then attainted by law, and therefore, it was high treason to keep any correspondence with him; but as to the son, who was then within sight of England, a correspondence might be kept with him, either by letter or message; and if no treasonable design appeared in the letter or message, the correspondent could be accused of no crime, nor was in any danger. This, Sir, I must confess, I thought a very dangerous circumstance; for though I was sure, that no subject of this kingdom would carry on a correspondence with him, unless it was with a treasonable design, yet it might be carried on, I knew, in terms so obscure, as to render it impossible to discover the real design; and therefore I thought it necessary to have some law made for preventing any such correspondence; but at the same time I thought it was the business of those, who are the servants of the crown, to propose such a law; and, that they might not have any pretence to say, they had been forestalled or prevented by my officiousness, I waited from the 15th of February, which was the day his majesty first communicated to us his intelligence, in daily expectation of hearing some such proposition made to us by those, whose duty it was to make it.

But as no such proposition came from that quarter, an hon. gentleman, who, perhaps, had the same way of thinking with me, upon this subject, moved at last, upon the 6th day of last month, for such a Bill as I had long before thought on; and when he moved for it, I thought myself bound, as a member of this House, and as a real friend to our present happy establishment, though no immediate servant of the crown, to second his motion. This, Sir, was my chief reason for seconding the motion for that Bill, and in promoting its progress through this House; but, at the same time, I shall readily own, I had another reason, and such a one as, I hope, will likewise be approved of. His majesty, I believe, never resolved upon any public measure, but what he thought for the benefit of his British dominions: this, I say, I believe, and the constitution of our government obligeth me to believe it. Nevertheless, I have long thought, that by the advice of evil counsellors, he has been led into measures that were diametrically opposite to the interest of these kingdoms; and such measures I have constantly opposed or condemned, as often as they came before us, for our authority or approbation. As we have the misfortune to have a Pretender to our crown, I know, that ministers never fail to misrepresent those who oppose the measures they advise, and to persuade his majesty, that they are friends to the Pretender, and consequently enemies to his person and family; by which means, his majesty may be, and, I fear, too often is led into a fatal mistake, in supposing those to be his enemies, who are in reality his best friends. This, I suspected, might be the case, with regard to myself, and many other gentlemen in this House; and as those who ought to have introduced this Bill, had for near two months neglected it, I thought we could not have a better opportunity for endeavouring to remove this mistake, than that of introducing and promoting this Bill; but, I am afraid, that by what the ministers have taken care to add to it, in the other House, our endeavours will be rendered unsuccessful; for from the opposition that will probably be made to these additions, they will take a new occasion to represent us as Jacobites, which is, in truth, the same with saying, that all those who are not ready to give up the liberties of their country, are friends to the Pretender, and enemies to his majesty's person and family; and whether or no the courtiers, who thus misrepresent to his majesty the greatest part of his subjects, are true friends to him or his family, I shall leave to this House to judge. It is easy to see through their design: they make those misrepresentations with a view to engross to themselves alone all the honours, offices, and preferments in the disposal of the crown; but by this means, they make their sovereign the head of a faction only, that will be found contemptible, if ever the people should, by such conduct, be stirred up to take the proper methods for the vindication of their just rights and privileges.

From what I have said, Sir, gentlemen will see, that this Bill was introduced and promoted by the gentlemen in the Opposition, with a design to remove, not any foreign but a domestic mistake, and a mistake that may be more fatal to us, than any mistake foreigners can fall into. The

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difference between discontent and disaffection is far from being the produce solely of this island: it is to be found in other countries as well as this; and is as well understood by foreigners as by ourselves, though I cannot say, that in other countries, the discontented are so apt to become disaffected as in this; because in most other countries they wisely consider, that a king of any family may be misled by his ministers; and that therefore they ought to seek for, and may obtain a redress of grievances by removing their ministers, without removing or changing their royal family. But, even in this country, it is hardly possible for discontent to deviate into disaffection, till the people are generally convinced, that they can expect no redress of grievances under the family then upon the throne: then, indeed, and not till then, they may become generally disaffected as well as discontented; and then they may cast their eyes upon another family for relief. This is what every man, who is a true friend to our present royal family, will endeavour to prevent; but this is not to be prevented by penal laws, or severe punishments: on the contrary, such laws, and such punishments, may very probably lead the people into this way of thinking; and nothing, in my opinion, can more effectually contribute to this, than a new suspension of that law in the queen's time, which, as it stands at present, will soon put an end to those punishments that are, and ought to be the terror of every free people, because they are the offspring of arbitrary power, and have always been its chief engine for oppressing the virtuous and brave.

For this reason, Sir, my concern for the preservation of our present happy establishment is one of my chief inducements to oppose the amendment that has been made by the Lords, for a further suspension of that law; for as to the other amendment, though I think it a little extraordinary, I shall not oppose it. I say, I think it a little extraordinary; because the Pretender's two sons are as much foreigners as any Frenchman born at Paris, or as any Italian born at Rome; and as we have no proof of their having ever set up any claim to the crown of these kingdoms, I think we may just as properly attaint every Frenchman, Spaniard, or Italian, that shall attempt to land as an enemy, in any of his majesty's British dominions, as to attaint either of the Pretender's sons. However, I shall not oppose your agreeing to this amendment; because, though I think it improper, I do not think it can do any harm to the royal family now upon our throne; but as to that amendment which suspends the effect of the 7th of queen Anne, during the lives of the Pretender's two sons, which every man in the kingdom will look on as a repeal, I am surprised how any friend to our present royal family could think of proposing it; because, in my opinion, nothing can more effectually contribute to spread disaffection, and to rivet it in the minds of the people.

But this, Sir, is far from being my only reason: forfeitures and confiscations I have always thought unjust, cruel, and of dangerous consequence to the liberties of a free people; and I still think so, notwithstanding all that has been said by my hon. and learned friend in vindication of them. This, Sir, I say, is still my opinion; and as I differ from a gentleman so deservedly esteemed for his learning and knowledge in the laws of nature and nations, as well as the laws of his country, I hope the House will have patience to hear my reasons. That gentlemen may not be dazzled and misled by the glare of great names in the republic of letters, I shall begin with two observations; the first of which is, that both Grotius and Puffendorf wrote under the patronage of arbitrary monarchs, and in countries where forfeitures for treason had been established for ages, and where it would have been dangerous to have condemned them absolutely; to which I shall add, that both these learned men wrote when it was both unusual and dangerous to enquire freely into opinions, either religious or political, that had been long and universally received, and implicitly submitted to. My second observation is, that all those, who have applied themselves much to the study of the civil or Roman law, are apt to refine and distinguish so nicely, that they often lose sight of common sense; which, as I shall shew, is the case of both these gentlemen, in the very question now under our consideration.

Both agree in this, Sir, that the innocent ought not to be punished for the crimes of the guilty; but then, in order to justify the punishment of forfeiture or confiscation, they say, a damage or loss may be suffered directly, or consequentially; and they conclude that the innocent may, by the punishment of the guilty, be subjected to a consequential damage or

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loss, but not to a direct one. The latter, they say, a man is subjected to, when he is deprived of a property already vested in him; and the former is, when a man has a conditional right, but is deprived of that right, by intercepting the condition, as they call it, that is, by preventing the condition's taking place. Thus, they say, children have but a conditional right to the father's estate, because they cannot come to the inheritance of it, unless the father preserves it for them till he dies; and therefore, the forfeiture of the father is not a punishment upon, but only a consequential loss to the children. I shall not dispute about words, Sir, because from the definition my learned friend gave us, if the children were put to death, it could not properly be called a punishment, since there must be *malum actionis*, in order to make the *malum passionis* a punishment; but surely, it is an injury to strip a child by forfeiture of his father's estate, even supposing he had but a conditional right to it; because, by the act of the law, that condition is intercepted, upon which he was to have had the estate of the father. We may as well say, that a man who robs the father upon the highway, does no injury to the children, because he only intercepts the condition, upon which the children were to have had the money; for, by the law of nature, the supreme magistrate, or the public, has no more right to the estate of a traitor, than a highwayman has to the money of the man he robs.

But the supposition, Sir, that the child has but a conditional right to the estate of the father, is false; for he has a natural right to his share of it, from the very moment of his birth; and by the Roman law, even the father himself could not entirely divest the child of that right, or absolutely disinherit him without a just cause. For the benefit of commerce, it is true, and for keeping children in due obedience, the laws of society have left it in the father's power to squander his estate, in his lifetime, and to give the whole, or a great part, to strangers by his will; but can it be said, that a man, who squanders his estate, or without any just cause disinherits his children, does no injury to them? This distinction therefore between direct and consequential damage, must, in this case, be allowed to be a distinction without a difference; and it might be made use of, for stripping creditors of what may be due to them from the traitor, as well as for stripping his children; for creditors have no property vested in them: they have only a right of action to recover their debts, if the debtor is, or dies worth so much; and therefore, the forfeiture of the estate of a traitor, without reserving any thing for his creditors, would only be a consequential damage to them, by intercepting the condition, upon which alone they could recover their money.

Thus we must see, Sir, that this doctrine of consequential damage might be pleaded as a reason for great injustice, by making all the creditors of a traitor suffer, as well as his children; and this, I find, was actually, in former times, the law of Scotland. We are not, therefore, blindly to give up our judgment in this case, either to the learned Grotius, or the learned Puffendorf; and the latter is even obliged, at last, to confess the cruelty of these laws of forfeiture; for after he has followed Grotius in thus distinguishing between direct and consequential damage, as my learned friend repeated to you, he concludes that very paragraph with these words: "But, however, it was truly an unjust and barbarous law, as Buchanan calls it, which was made by Mogaldus, king of Scotland; that all the goods and chattels of condemned criminals were to be forfeited to the crown, excluding their wives and children from any part of them." Thus Puffendorf, at the end of this paragraph, expressly condemns what, in the former part, he has been endeavouring to justify; and every man, who considers common sense, without allowing himself to be confounded with subtil distinctions, must join with Puffendorf and Buchanan in this condemnation.

Having said so much, Sir, of the direct and consequential damage, which innocent persons may be subjected to, I shall presume to give my opinion, where alone the latter can have any place; and that is, where the consequence is not created by the law, but proceeds necessarily from the nature of things. When a man has been a good husband to, and is beloved by his wife, if he commits a capital crime, and suffers for it, she is, in consequence of his punishment, subjected to a damage or misfortune: so when a man provides handsomely for his family by his industry, and has no other way of providing for them; I say, when such a man suffers death for any capital crime, his children are, in consequence of his punishment, subjected to a damage or misfortune: but then, in both these cases, the consequence

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proceeds naturally and necessarily from his punishment, and not from the act of the law: whereas the forfeiture of a man's estate, is neither a natural nor a necessary consequence of his punishment: It is a consequence created expressly and solely by the law, and as it affects innocent persons, by rendering them wretched all the days of their life, that law must be unjust.

After having thus shewn, Sir, that the law of forfeitures and confiscations is unjust, I think I need not spend much time in shewing, that it is contrary to religion; for every thing that is unjust must be contrary to religion, both natural and revealed. But I was surprised to hear my learned friend pretend, that forfeitures were not contrary to that divine precept delivered to the Jews, because forfeitures were not punishments upon the children, but only a consequential damage; for if the word 'punish' were to be taken in a strict sense, according to his definition, that precept would be downright nonsense; but it is plain that the word 'punish' is there taken in a large sense for any damage or loss a man may, by law, be made to bear or suffer; therefore, to make children suffer the loss of their father's estate, is to make them bear the iniquity of their father, which is expressly contrary to that divine law.

Whether forfeitures for treason were introduced after the Hebrew commonwealth was converted into an absolute monarchy, I shall not at present determine; but it is very certain, that we find nothing like such a punishment inflicted by the laws of Moses; and if David seized upon the estate of Saul, it could not be for treason surely; because, if there was any treason, according to all human laws, it was David, and not Saul, that was guilty of it. So, likewise, if he stripped Mephibosheth of the lands he had freely restored to him, it is no proof that forfeitures for treason were in use among the Jews; for Mephibosheth was not so much as accused of treason: he was accused of ingratitude only, and David, by an act of that arbitrary power he was possessed of, punished him for that ingratitude. But suppose the kings of the Jews acted unjustly, or that they established unjust laws, their example can be no authority; for Samuel had before warned the Jews of the oppressions they were to expect from kings: he had told them, that the king would take their fields, their vineyards, and their olive-yards, and give the best of them to his servants; and treason was, perhaps, the pretence made use of for such oppressions by that government, as well as by every arbitrary government; for such governments may easily get any man condemned for treason; and our State Trials may convince us, that it has never been very difficult, even in this limited government.

A noble lord has already fully answered the argment drawn from one of Cicero's Letters, for proving that forfeitures were established among the Romans, even in the virtuous times of their commonwealth; and, indeed, I am surprised to hear any gentleman pretend they were, when the great Roman historian, Titus Livius, has so expressly told us, that Q. Servilius Cœpio was the first after their king Tarquinius Superbus, whose estate was confiscated; which punishment was inflicted upon him by the people, in the 647th year of their city, for his having been the occasion, by his rashness, of the loss of a battle with the Cimbri, in which there were 120,000 of the Romans killed; and though we cannot wonder at that people's having been, by such a loss, provoked to inflict such an extraordinary punishment, yet it was soon found to be a most terrible precedent; for in a few years afterwards, the heads of their victorious factions began their proscriptions, and murdered and forfeited one another in their turns, till there was hardly a great family left remaining among them.

Now, Sir, with regard to the laws of England, it is very certain that forfeitures and confiscations for treason and felony, make at present, and have made, I believe, ever since the Conquest, a part of our law. Nevertheless, I think it is certain that they are inconsistent with the spirit of our law. Our common law is, by all our lawyers, said to be common reason; therefore, whatever is inconsistent with common reason, must be inconsistent with the spirit of our law. Then, if forfeitures and confiscations be, in themselves, unjust: if it be an injury done to a harmless child, to take from him, by an act of the law, and without any necessity, what naturally belongs to him, and would otherwise certainly come to him: I say, if this be an injury, as I have shewn it is, the law that authorizes it is certainly inconsistent with common reason, and consequently inconsistent

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with the spirit of our law. What the laws were before the Conquest, we know very little of: the fragments we have remaining, were translated into Latin, and handed down to us, by ignorant monks; and, therefore, may be supposed to be filled with errors and mistakes. But as it appears, that pecuniary mulcts were the punishments inflicted upon most crimes; it is not probable, that the forfeiture of a man's freehold was ever inflicted by the Saxons, as the punishment of any crime; and therefore, when we find some words in any of these laws, that seem to relate to such a punishment, we ought, I think, to suppose, that they have been wrong translated by the monks. If we were to suppose, that by the law of Alfred, mentioned by my learned friend, a man was to forfeit his whole estate, that law would be nonsense, and the latter part absolutely inconsistent with the first; for after it has said, that the criminal shall be deprived of life, and every thing he possesses, these words are added, "Si seipsum culpa eximere voluerit, faciat hoc pro æstimatione capitis regii. Ita etiam ordinamus pro omnibus personis, tam colonis quam comitibus." That is to say, if he would, he might redeem himself from punishment, by paying the value of the king's head, or of the head of any other person, against whom he had conspired; but how was it possible for him to do so, if, by law, he had been first stript of all he had? We must, therefore, suppose, that the words, 'Vita privetur, et omnibus quæ possidet,' are ill translated; or that they related only to persons, whose whole possessions were not equal to the value of that person's head, against whom they had conspired. And as to the law of Ina, mentioned by my learned friend, the word 'hæreditatem,' there inserted, must be understood in some confined sense; for it is not probable that a man should be punished more severely for fighting in the king's palace, than for conspiring against the king himself.

With regard to some people, Sir, I know I have been all this while arguing in vain. They confess, that forfeitures and confiscations, when annexed to capital punishments, are inconsistent with religion, justice, and the spirit of our law; but these additional punishments, say they, are necessary for the preservation of government, and preventing conspiracies and civil wars. Did they ever do so in any country? Did the severity of the punishment ever prevent the frequency of the crime? Does breaking upon the wheel prevent robberies in France? Do the punishments of treason prevent treasons and rebellions in Asia, where traitors are put to the most tormenting and cruel deaths, and their whole family destroyed? Sir, there is something in the nature of man that disdains to be terrified; and therefore severe punishments have never been found effectual for preventing any sort of crime. The most effectual way to prevent crimes, is to prevent the temptation: if you would prevent thefts and robberies, you must take care to have your people educated in virtuous principles, and every man brought up and inured to labour and industry, that has no estate to subsist on: if you would prevent treasons, you must do it by the mildness of your government, in order to prevent the ambitious from having any matter to work on, or any prospect of success, and to prevent any number of men from being rendered desperate; for desperate men no laws can restrain, no punishments frighten: and no man ever yet conspired against a government without some prospect of success. I am, therefore, fully convinced, that severe punishments always promote, instead of preventing, conspiracies and civil wars; and I have the experience of all ages, and all countries, for supporting my opinion. Nay, if we have any faith in Providence, we must expect, that a government shall not go unpunished, which injures and oppresses the fatherless, the widow, and the orphan.

These severe punishments upon treason, Sir, serve for nothing but to lull a government into a fatal and mistaken security, that no man will venture to conspire or rebel against them. In arbitrary governments, this emboldens ministers to tyrannize over, and oppress the people; and in limited governments, it encourages them to encroach upon the liberties and privileges of the people. In both, they continue their oppressions or encroachments till the people are become generally discontented, then some desperate, or some ambitious man sets fire to the train, and the ministers, too often with their master, are blown up by the combustibles, which they themselves have collected for their own destruction. It was to this cause chiefly, I am convinced, Sir, that we owed all the civil wars, and all the revolutions, that have happened in this country, almost ever since the Conquest: and if we remove

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the cause, I may venture to prophesy, that both our civil wars and revolutions will be less frequent. I must therefore think, that the amendment now under our consideration, is one of the most pernicious things that was ever thought on for our present royal family, as well as for our present happy constitution; and for this reason, let the fate of the Bill be what it will, I shall be against our agreeing to the amendment.

And the question being then put, That the House do agree to the said amendment, it was carried in the affirmative by 185 to 106. The last amendment, being read a second time, was agreed to by the House.

*Debate in the Lords on the Levant Trade Bill**.] May 7. On a motion that the Bill from the Commons† intitled "An Act for enlarging and regulating the trade to the Levant Seas," be committed,

The Duke of *Bedford* rose and said:

My lords; As the Turkey trade has been in a declining state for some years past, I know, that the people will generally be fond of every thing proposed for its recovery, especially when the remedy proposed has the least appearance of being effectual; therefore, I am sensible of the disadvantage I labour under, when I rise up to speak against this Bill; but as I speak in an assembly which cannot be imposed upon by specious appearances, and where every thing meets with due consideration, it encourages me to deliver my sentiments freely, though they may, perhaps, be contrary to what is the popular opinion without doors. In pursuance of my duty as a member of this august assembly, I have

* From the London Magazine.

† The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

April 24. Pretty early in the session a Bill was brought in at the request of several clothiers and manufacturers, which Mr. Winnington undertook to carry through the House, for enlarging the Trade to the Levant, but it had met with many delays, partly from its having been often postponed to business of more importance, and partly from the opposition made to it by the friends of the Turkey Company, and from the length of the enquiry into the state of that trade and the merits of the scheme by council and evidence on both sides, in so much that it was not ripe for a third reading till this day. The purport of the Bill was to abolish those parts of the Company's Charter which restrained the freedom of it to persons being mere merchants, who if they lived within 20 miles of London were to be freemen of that city, and unless they were the sons of members, to pay a fine of 50*l.* at their admission. The trade was now to be laid open to all subjects of the realm without exception, on payment of 20*l.*, provided they took an oath to observe the by laws established by the company, and contribute their share towards the duties and assessments for defraying the expences of it. On non-performance of either of which points, they were subjected to the loss of their freedom and of the other advantages secured to them by this Bill. The opposers of it objected to no part so strongly as to the general clause of admission, which they said would include the Jews, who if they once got footing in the Company would endanger the loss of all our privileges in Turkey, and make a monopoly of the trade to the exclusion and detriment of the rest of the king's subjects;—and that not by their superior skill and industry, but by the preference they would have from their brethren in Turkey, who were the only brokers there, and had a great influence at the Porte, and a separate jurisdiction of their own. They urged the example of the French, who did not only keep the Jews out of the trade, but by their last capitulations had excluded them from the brokerage; they added further, that as the Levant Jews were employed in the custom houses, if any innovations were set on foot there to our prejudice, we should have enemies amongst ourselves, who will be united with those who seek to hurt us. For these reasons, they offered a Clause in the committee to confine the capacity of being admitted to Christian subjects only. It was urged in behalf of the Jews, on the other side, that there was no connection of affinity or interest between those of that religion here, and those in the Levant, and that the latter having great influence in trade might become the instruments of retrieving ours, by promoting the sale of our commodities, or by diminishing it still further if they should be offended. The question went in favour of the Jews, by the casting vote of the chairman, Mr. Berkley, member for Glocester.

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heard with the utmost attention, and considered with the utmost candour, what has been said by the counsel and witnesses for and against this Bill; and upon the whole, I am of opinion, that the decay of our Turkey trade is not owing to any misconduct in the Company, but to some late accidents, which the regulations now proposed can no way alter or amend: and I am farther of opinion, my lords, that the regulations proposed by this Bill, will be attended with so many, and so great inconveniences, that instead of recovering our Turkey trade, they will entirely destroy what little we have left.

In the debate upon the whole of the Bill, the Advocates for it said, that it was confessed on all hands that the Turkey trade had been for many years in a declining condition; which they thought was owing in a great measure to its having been carried on under these limitations, whereby many persons capable of reviving and improving it were excluded, because they did not answer the description of mere merchants, and to the Company's having restrained the exportation of the woollen manufacture, for the sake of enhancing the price abroad to serve private ends; that all the ends of their charter which were of public benefit, as preserving the trade under proper regulations, and paying the salaries of the embassador and consuls in Turkey, would be fully answered by this Bill, because those who were admitted under it, would be obliged to observe the by-laws of the Company, and furnish their quota towards the common charges. That sir Josiah Child, (an acknowledged judge in commercial matters), has in his book, p. 109, given his opinion in favour of the scheme upon which it was founded; that it was universally desired by the manufacturers, whose interests ought always to be preferred to those of particular merchants, as being of more general and extensive nature, and to say the least of it, was an experiment worth trying, to support and quicken a profitable branch of our trade.

The friends of the Company admitted the declining state of their commerce, but assigned other reasons for it, that the French were in a condition to undersell us, and made up a thinner and finer sort of cloth, which had a better vent in Turkey than ours, as being more suited to the climate; that the limitation in their charter to mere merchants, was intended to prevent the too great resort of low mean people to places where the customs and laws were so entirely different from their own, and where it had often happened that the folly or knavery of one man had exposed the whole nation to the violence and oppression of the grand seignior's officers: —That the Company had always kept the markets well furnished, even beyond the real demand, and a sufficient stock in hand, as well to supply all calls for our goods, as to purchase all those of the country which our manufacturers here require, but that a great branch of returns was cut off by the late Czar's seizure of the silk provinces in Persia, and that they were now confined to raw Turkish silk and Mohair yarn, and from various causes, these commodities were decreased in their consumption of late years:—That it was surprizing the decay of the English trade should be attributed to its being carried on under regulations, when the French, which has risen upon the ruin of ours, was managed under much stricter;—that this Bill, if it did no hurt, which they were afraid it would by so general an admission, could at least do no good, since not one of the remedies provided by it, reached any of the difficulties which the trade laboured under, from the want of such public encouragements and immunities as the French enjoyed,—and to make experiments without probability of success, at a great hazard, and at the expence of a society which had done nothing to forfeit any part of their charter, must be thought unworthy the wisdom and justice of the House.

In both these cases, my lords, I shall endeavour to support my opinion with such reasons as have been offered at the bar, or such as have occurred to my own observation: and first, with regard to the reasons or causes, to which the decay of our Turkey trade ought chiefly to be ascribed, I think, it has been fully proved at your bar, that none of those causes proceed from any misconduct in the Company; for though it is pretended, that the Company have injured the trade by restraining the members from sending any

The principal supporters of the Bill were Mr. Winnington, Mr. Pitt, sir W. Yonge. The defence of the Company was managed by lord Duplin, Brooksbank, and sir John Barnard. It passed in a thin House by 87 against 43, and was sent up to the Lords.

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goods to Turkey, or bringing any from thence, but in ships freighted by the Company upon the general account; and by rendering the time for the departure of such ships absolutely uncertain; yet it has been proved, that this did no harm to the trade, because the markets both at home and abroad were always kept fully supplied; and that even when the departure of the general ships was longest delayed, the Turkey raw silk was sold cheaper here than before, and the Turkey markets for English manufactures were so fully supplied, that when the new ships arrived, there was a great deal of the old stock remaining on hand. These regulations, with regard to the general ships, have therefore, I think, been attended with no prejudicial consequence to the trade, but on the contrary have been in a double respect of great advantage; for by restraining the members from sending out ships upon their private account, and not allowing the general ships to depart till such time as they found, by their advices, that new cargoes would be wanted, they not only prevented our ships and seamen from falling into the hands of the Barbary pirates, but also prevented the markets both at home and abroad from being glutted.

As to the first of these advantages, my lords, the Turkey Company only followed the example of our legislature, which by an act passed in the 14th year of king Charles the 2nd, laid a duty of 1 per cent. extraordinary, on all goods exported to, or imported from, any place of the Mediterranean sea beyond Malaga, in a vessel not having two decks, and carrying less than 16 guns, with two men for each gun, and other ammunition proportionable. By this law, and a law passed in the 23d year of the same reign, for punishing the captains of such ships, if they yielded without fighting, it is evident, the legislature intended, that the Mediterranean trade should be carried on in ships of force, to prevent our ships and seamen becoming an easy prey to Turkish and Moorish pirates; and this, as well as to prevent the markets being glutted, was the intention of the Turkey Company, in restraining their members from shipping goods in other than general ships, which are always ships of force.

In this respect therefore, the Company cannot, surely, be blamed, for endeavouring to enforce a regulation, that had before been thought necessary by the legislature, and which had stood the test of so many years experience; and as to their endeavouring to prevent the markets from being glutted either at home or abroad, it was no more than what every private merchant endeavours, and really in prudence ought to endeavour to do. I shall grant, that it is the interest of the nation to have its manufactures sold as cheap as possible in foreign countries; but surely, it is not the interest of the nation, no more than of the private adventurer, to have such commodities sold at less than prime cost; therefore if the adventurers, let them be private persons, or a corporate company, take no methods to monopolize the trade, so as to get extravagant profits, they may and ought to take all proper methods to prevent the manufactures they deal in, from being sold at less than prime cost, or at a less price than what will afford a moderate profit to the adventurer; for whenever this happens, the trade must be at an end: No man will export, if he foresees, that he can expect no profit by the sale; and if an entire stop should by such means be put to the trade, it would be very difficult to get it revived.

I know, my lords, there is, at present, a very great outcry against companies of all kinds: it is generally supposed, that they endeavour to monopolize the commodities they deal in, with a design to squeeze an immoderate profit both from their exports and returns; and this may be true of companies that have an exclusive privilege, or that trade with a joint stock; but, I hope, your lordships will remember, that the Turkey Company have no exclusive privilege, nor do they trade with a joint stock. Every man in the kingdom, who is not a mechanic, or shop-keeper, may for a trifle be free of that Company, and when he is once free, he may, upon his own private account, export to, or import from Turkey, what goods, and in what quantities he pleases. No member of the Company can, therefore, pretend to sell either his exports or returns at an extravagant price: if he does, his goods must lie upon his hands, because he will certainly be undersold by some other member of the same Company. This appears to be the case, not only from the nature of things, that is to say, from the nature and constitution of the Company, but from the facts that have been proved at your bar; for it has been fully proved, that the home market was always sufficiently supplied with such goods as we have occasion

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for from Turkey, that the markets in Turkey were always sufficiently supplied with whatever goods they had occasion for from England, and that, if the departure of the Turkey ships was at any time delayed longer than usual, it was only with a view to prevent the markets from being so glutted as to put an end to the trade.

It is therefore, I think, evident, my lords, that the decay of the Turkey trade is not owing either to the constitution of the Turkey Company, or to any error in their conduct; and this will be still farther confirmed by an enquiry into the true causes of the decay of that trade, which I shall now endeavour to explain, so far as my knowledge and capacity can reach. The increase of the French trade and manufactures is the chief and great cause of the decay of our Turkey trade, as well as of several other branches of our commerce; for it is impossible that any branch of trade can be so extensive, or so profitable, when other nations begin to interfere with us, as when we carry it on without a rival. The great woollen manufactures in Languedoc were first set up by the direction of that wise minister M. Colbert, in the reign of Lewis 14, and met with such encouragement from the public, that they were soon brought to perfection; but the interruption the French trade met with, during the long wars in the reigns of our king William and queen Anne, prevented their being of any very mischievous consequence to our Turkey trade, till after the fatal treaty of Utrecht. By that treaty the French were encouraged and enabled to rival us in every branch of our commerce, more particularly in that to Turkey; because their manufactures in Languedoc, which were then brought to perfection, and had for some time supplied, in a great measure, their home consumption: those manufactures, I say, lay so near their port of Marseilles, that they were carried thither at a most trifling expence, and the navigation from that port to Turkey, was much shorter and safer, and consequently much cheaper, than the navigation from any port in Great Britain. These advantages, together with the premiums and other encouragements given by the public, enabled their merchants to sell their Languedoc woollen manufactures at a cheaper rate in Turkey, than any British manufactures could be sold; and that sort of manufacture they carried thither, being thinner and more showy, than any carried from England, it was more agreeable to the climate and taste, though not near so lasting in the wear of the people.

This, my lords, is a natural cause for the decay of our Turkey trade, and a cause which must necessarily produce its effect, till we can fall upon a way to sell our manufactures cheaper, and to make them more agreeable to the Turkish taste and climate, to which no regulation in this Bill can in the least contribute. But, besides this of the woollen manufacture, the French have several other commodities fit for the Turkey market, which we either have not, or cannot carry thither at so cheap a rate. Their improvements in the West Indies since the treaty of Utrecht, which left them in possession of a great part of Hispaniola, are well known; by these they are enabled to send vast quantities of indigo and coffee to Turkey, neither of which we can send, unless we buy it of them; and as the port of Marseilles lies in the way between the West Indies and Turkey, they can and do now send large quantities of sugar to Turkey, which they sell cheaper there than we can, because our sugars must be first brought to Great Britain before they can be sent to Turkey, either by our Turkey Company, or by any other person whatever; for though we have lately given leave to transport our sugars directly from the West Indies, yet still those sugars must be brought to Great Britain, which are to be refined before being re-exported. In this, therefore, the French have an advantage from their situation, which we cannot take from them; and in lieu of it, I am sure, there is nothing proposed to be given us by this Bill.

These, my lords, are the true causes, that have of late years so much diminished our exports to Turkey; and as to our imports from thence, they have likewise of late years been greatly diminished, both by foreign accidents and by new regulations or fashions amongst ourselves here at home. In the infancy of our Turkey Company, and even till it arrived at its full vigour, all the commodities of Persia, as well as Turkey, were brought to us by that Company; but since the establishment of our East India Company, and since their getting settlements at Mocha and Bassora in Turkey, as well as at Ispahan and Gombron in Persia, most of the Persian commodities, as also coffee and some other Turkish commodities, have been brought home by the East India Company. The only Persian commodity of any consequence, that remained to be

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brought home by the Turkey Company, was the Sherbaffe silk, which was made in the province of Gheelaun; but that province having been conquered by the late Czar Peter the Great, the Turkey Company could get no more of it through Turkey, so that a full stop was at once put to that branch of our imports from Turkey; and though that province has since been restored to Persia, yet the continual wars between the Turks and Persians, has prevented its passage through Turkey; and now, as we have opened a trade to Persia through Russia, the Turkey Company can never expect for the future to import any of that commodity, because it will come cheaper through Russia, which is all along water carriage, than it can come through Turkey, which is a long and tedious land carriage.

Another branch of our imports from Turkey, I mean that of mohair, has likewise of late years been very much diminished by a change of fashion. In former times almost all our buttons and button-holes were made of mohair yarn, and many of our silk stuffs were mixed with the same; but now none of our buttons or button-holes are made of mohair-yarn, and but very few silk stuffs mixed with mohair, are either worn here at home, or exported to foreign countries. To these diminutions in our imports from Turkey, I must add that of rhubarb, which has of late years been imported chiefly from Russia; and I believe, I may add that of Turkey carpets; for as we now make very fine carpets here at home, and import a great many from Germany, and other places in Europe, as well as from Persia, by means of the East India Company, our Turkey Company cannot import so many as they did heretofore.

Thus, my lords, I have, to the best of my knowledge, fairly and candidly stated the chief causes of the late decay of our Turkey trade, both with respect to our exports and imports; and, I hope, I have fully proved, that none of those causes proceed from any error in the constitution or conduct of our Turkey Company: I am sure, none of them can be remedied by any regulation in this Bill, as must appear to your lordships upon the bare perusal of it. What reason can we then have to pass a new law relating to this trade, even supposing it to be certain that this new regulation could be attended with no inconveniences? Trade, my lords, is a tender point: it must be touched with a skilful and careful hand, otherwise you will soon make it wither and decay: if you do but take care of the soil, which is the industry and labour of the poor; I believe, the less you touch the plant itself, the better it will thrive and prosper. We should therefore be extremely cautious of making any new regulations in trade, even when they do not appear to be of any dangerous consequence; but when upon the face of the regulation proposed, it appears to be subject to great inconveniences, which, in my opinion, is the case at present, it would be madness to agree to it.

These inconveniences, my lords, have been fully explained by the counsel and witnesses against the Bill; but lest some of your lordships may have forgot, or may not have so closely attended to what was said by them, I shall beg leave to repeat some part of what they said, and to add some observations of my own. In order to shew how inconveniences may probably arise from what is proposed by this Bill, I must begin with giving your lordships a short history of our Turkey trade, and an account of the nature of the Ottoman government and people. As to their government, your lordships all know, that the Ottoman government is one of the most absolute and arbitrary under the sun: they have, indeed, a sort of laws established among them, which they pretend to observe, and to cause to be observed between man and man; but then there is no country in the world where the judges are more venal than in Turkey, and where the judge is venal, the experience of our own laws may convince us, how easy it is to find a pretence for oppressing the innocent or screening the guilty. Then as to the people, they are a mixture of Turks, Jews, and Christians of all denominations. The Turks, who have the government entirely in their hands, are proud, haughty, and ignorant, and have the utmost contempt both for Jews and Christians, but especially the former: they are naturally insolent and seditious, and this, with the despotic form of their government, renders every part of their country extremely liable to mobs and insurrections: in such a country, and among such a people, it was foreseen, that it would not be easy to carry on any trade, if our factors, and such of our people as settled there on account of trade, remained subject to their laws, or under the jurisdiction of their judges; and it was likewise foreseen, that our trade would be very precarious, if it remained

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subject to such duties, imposts, and regulations, as that despotic government might please to impose; therefore, as soon as we began to think of the trade, it was deemed necessary to get a sort of tariff or treaty settled for exempting our people from their laws, and the jurisdiction of their judges, and for ascertaining the customs and duties they were to pay; and for obtaining this treaty, as well as for getting it carried into execution, it was found requisite to have always consuls or deputy consuls at all the scales or remarkable places for trade in the Levant, as well as an ambassador for the most part at Constantinople.

Another thing that was foreseen, my lords, was this. As low people have more frequent and more violent disputes with one another; and as two of a trade, according to the old proverb, can but seldom agree, it was foreseen, that if any of our mechanics or shop-keepers should settle in Turkey, and claim the privilege of English subjects, their business would interfere with that of the meaner sort of natives, which would of course produce contests, and those contests would not only occasion continual discussions with the Ottoman court, but might sometimes expose all the English settled in Turkey to the fury and resentment of the populace.

These things, I say, my lords, were foreseen before granting the first charter, and care was taken to guard against every one of them. An ambassador was to be kept at Constantinople, consuls were to be appointed and maintained at all the chief places of trade, and a treaty of commerce was to be obtained from the Ottoman Porte: all this was to be done, and all has been done at the Company's expence. A treaty or capitulations, as they are called, were at last settled with the Ottoman Porte, by which all English subjects settled in Turkey are exempted, with regard to disputes among themselves, from the Turkish laws, and from the jurisdiction of the Turkish magistrate, such disputes being to be determined by the English consul alone: and even as to their disputes with the natives, they have greater privileges than are enjoyed by any native; for no Englishman is bound to pay any debt claimed of him by a native, unless the same be established and proved by a proper voucher in writing; and if the dispute between an Englishman and a native amounts to above the value of 6*l.* the former has a right to appeal from the sentence of the provincial magistrate to the divan at Constantinople, which are privileges no native enjoys.

In point of trade likewise, my lords, the English are, by these capitulations, put upon a much better footing than even the Turkish merchants themselves; for the English pay but 3 per cent. custom upon the importation of their goods, which, by the low valuation settled by an established tariff, amounts to little more than two; and when this custom is once paid, the English merchant has a right to demand a receipt from the collector, with which he may transport his goods from one part of the Turkish empire to any other, without paying any new custom: whereas every Turkish merchant is obliged to pay 5 per cent. custom upon the importation of his goods, according to the highest value that can reasonably be put upon them; and even after he has paid this high custom, he cannot transport his goods to any other place without paying a new custom.

Thus, my lords, the dangers that might arise by our people's being subject to the Turkish laws and magistrates have been prevented; and by the charter itself, the danger that might arise from low people's settling in Turkey, was in a great measure prevented, and has been hitherto effectually taken care of by the wise conduct of the Company; for by the charter itself it is provided, that none under the degree of merchants, that is to say, no tradesmen or shop-keepers shall be admitted; and the Company have taken such care to support the credit of the nation in Turkey, that the trade has been hitherto carried on with great ease and safety, and with so much satisfaction to the natives, that when they have any difference with an English merchant, they seldom have recourse to their own magistrates, but generally submit to the decision of the English consul. And yet, my lords, notwithstanding all the Company's care, disputes have frequenly arisen, and have sometimes come to such a height, even with the Porte itself, as have cost the Company great sums of money to get accommodated: nay, at one time, the roguery of an English captain occasioned such a dispute, and such a resentment among the populace at Cairo, that it had like to have caused all the English settled in that city to be massacred.

From hence your lordships may see the dangers and inconveniences that must ensue, if you oblige the Company to admit every person to the freedom of the Com-

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pany, who is willing and able to pay 20*l.* for his admission. The certain consequence of this will be, that multitudes of low people will go over and settle in Turkey; and even supposing them all to behave prudently and decently, their very number, and their interfering in the business of low tradesmen, will exasperate the people in Turkey, who already envy the English the superior privileges they enjoy: nay, I am persuaded, it will at last exasperate the people of Turkey to such a degree, that even the Turkish government itself, despotic as it is, will not be able to protect the English in the privileges they now enjoy; for I must observe, my lords, that though a free government may be liable to faction, yet an absolute, arbitrary government is always more liable to mobs, and for that reason must shew a greater deference to the prejudices of the populace. I am, therefore, firmly of opinion, that this Bill, if passed into a law, will very soon put an end to all our privileges in Turkey, and consequently, must not only destroy our trade, but occasion a war between the two nations; and this I am the more fully persuaded of, when I consider, that even the Jews, who are born here, are now deemed subjects of Great Britain, and if they go to settle in Turkey, may there claim all the privileges of British subjects, and must, by this Bill, be supported in that claim by our consuls in Turkey, and our ambassador at Constantinople.

It is well known, my lords, that the Jews, let them be of what country they will, always associate with one another, and attend the synagogue in the country where they are. If then any of our British Jews go over to settle in Turkey, as multitudes of them certainly will, they will associate with the Jews who are natives of Turkey, and will attend the Jewish synagogues in that country. When the Turks see this, they will naturally conclude them to be all the same people, and as they despise no people more than the Jews, they will not bear to see any of them, as British subjects, enjoying greater privileges in trade than are enjoyed by their own people. This will occasion a general murmur among the populace in Turkey, and the difficulty to distinguish between a British Jew and a Turkish one, will occasion continual disputes and discussions between our consuls and the Turkish bashaws and custom-house officers, who are already very much piqued at being deprived of all the advantages they might reap, if they had the English as much under their power as they have their fellow-subjects.

The dangers and inconveniences I have hitherto represented, my lords, are such as will ensue from this Bill, even supposing that all the British subjects, both Jew and Christian, that may hereafter settle in Turkey, should behave with the utmost prudence and circumspection; but when a multitude of low people go over to settle there, as certainly will, should this Bill be passed into a law, no such supposition can be made; and therefore, I think, no future contingency was ever more certain, than that this Bill will occasion the loss of all our privileges in Turkey, and consequently the loss of our Turkey trade. But supposing, that this should not be the consequence: supposing even that by this Bill our Turkey trade should be improved, if we enable the Jews to go over and settle as British subjects in Turkey, they and their fellow Jews here, will in a short time, engross the whole trade to themselves, as must be apparent to every man who knows any thing of the methods of carrying on trade in Turkey. In that country, my lords, the European factors are the persons to whom all European goods sent thither are consigned, and they sell out again by wholesale to the Turkish merchants and retailers, or shop-keepers. This traffic between these two sets of people is entirely carried on by brokers, and the business of brokers has for many years been wholly engrossed by the Jews, who recommend the Turkish merchants and retailers to whatever factor they please, and for that purpose make it their business to cultivate an acquaintance with all the Turkish merchants and shop-keepers, as well as with all the European factors, in order to learn from them what sorts and quantities of goods the one wants to purchase, and the other to dispose of.

This being the case, my lords, if English Jews were settled in Turkey as factors, would not they have a great advantage over all English Christian factors? Would a Jew broker recommend an English Christian factor to the sale of any goods, as long as an English Jew factor had any such goods to dispose of? By this means our English Jews would soon become our only factors in Turkey; and if such a factor had a parcel of goods consigned to him by an English Christian merchant,

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and another parcel of the same sort of goods by an English Jew merchant, do we think, that he would dispose of any of the Christian merchant's goods, till after he had disposed of all the goods consigned to him by his brother Jew? This would give the Jew merchants settled here, such an advantage over our Christian merchants, that the latter would all at last be obliged to desert the trade; so that in a short time, the Jews would be the only Turkey merchants in England, and the only members of our Turkey Company.

My lords, I have no particular quarrel against the Jews: I think them an useful set of people in any country; and therefore I am for encouraging them as much as the people of any other sect of religion; but I am not for making them our masters in the Turkey trade, or in any other branch of our commerce; and as this would, in my opinion, be the consequence of this Bill, supposing it not to put an end to our Turkey trade, I must therefore be against its being passed into a law. I hope, my lords, I have now made it manifest, that this Bill would be attended with the danger of ruining our Turkey trade entirely, or of throwing it entirely into the hands of the Jews; but there is still another danger it would be attended with, which I think myself obliged to mention, because it deserves our most serious consideration: I mean the danger we should be daily exposed to, of having the plague often made one of our imports from Turkey. Your lordships know, that there is seldom a summer without the plague's breaking out, in some one or other of the ports of Turkey: as the trade now stands regulated, our consul has a power of preventing any ship's taking in a cargo at such a port, or of putting a stop to her sailing, in case she has taken in a cargo while the plague raged there. But if this Bill should be passed into a law, could any consul exercise such a power? Would it not be contrary to the express words of the law, which enact, "That all and every person and persons shall, at any time, import from any port or place, within the limits of the letters patent, any goods, wares, or merchandizes, not prohibited to be imported?" When your lordships consider these words, I am confident, you will agree, that no British consul could exercise such a power, even in cases where he had the strongest reasons to suspect, that a ship had taken infectious goods on board; and as the ship might arrive and unload here, before he could send any advice of his suspicions, we should be continually exposed to the danger of having the plague brought into this kingdom from Turkey.

There is another danger, my lords, which, indeed, after the terrible dangers I have mentioned, is not worth our notice, but still it deserves some consideration; and that is, the danger of having our national privileges in Turkey betrayed by private men, for the sake of their immediate advantage. At present, when a dispute happens between any English subject and a Turkish officer, the consul may oblige the English subject to insist upon his right, though he must lose a great deal more by the delay, than he could lose by submitting to the demand; but if this Bill passes, no consul can exercise such an authority, and in most cases it is to be presumed, that the English subject will rather submit to an encroachment, than subject himself to the expence, trouble, and delay of a discussion; by which means we may be at last wormed out of all our privileges and immunities in Turkey; for every such submission will in future times become a precedent against us.

Thus, my lords, I have shewn, that the decay of our Turkey trade is not owing to any error in the constitution or conduct of the Turkey Company; that it is owing to accidents and circumstances, which can no way be remedied by any thing proposed in this Bill: and that, if this Bill be passed into a law, it will be attended with great dangers and inconveniencies. From any thing contained in the Bill, therefore, or from any consequences deducible from it, we can have no reason for passing it into a law; and I know of no other inducement we can have: Whatever may have been in the other House, there has not been one petition presented to us in its favour: The only petition before us, is the Petition of the Turkey Company against it; therefore, I think, we ought, as a House of Parliament, to conclude, that the people without doors are against the Bill, and for this, as well as the many other reasons I have mentioned, I shall be against its being committed.

Lord *Sandys*:

My lords; as I differ very widely from the noble duke, in my opinion of the Bill now before us, as well as of our Turkey Company and trade, I shall beg leave to give my reasons, which I shall do in as concise a manner as I can, and in doing so

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I shall follow the noble duke's method; for though I do not approve of his arguments, I very much approve of his method of arguing. According to this method, my lords, I shall shew, that the decay of our Turkey trade is chiefly owing to the misconduct of the Company; that those causes which the noble duke was pleased to assign, as the true causes of the decay of that trade, have chiefly arisen from the restraints put upon the trade by the Turkey Company's charter and conduct; that the regulations proposed by this Bill are the most proper that can be thought on for removing those causes; and that the dangers and inconveniencies suggested by the noble duke, are such as ought not to be in the least apprehended.

The noble duke was pleased to acknowledge, that there is at present a general outcry against all public trading companies, and he admitted, that, with respect to exclusive companies, or such as trade with a joint stock, there might be some foundation for this outcry. Now, my lords, if I can shew, that the Turkey Company, by their charter and bye-laws, are as much an exclusive company, as any trading company in England; it must be allowed, that the outcry against that Company is as well founded as against any other. That the Turkey Company is an exclusive Company, is indeed so plain, that I am surprised to hear it doubted or denied by any one who has ever read their charter and bye-laws. By their very charter no man is to trade to, or settle as a trader in Turkey, unless he be free of that Company; and by the same charter none but mere merchants are to be admitted: does not this at once give an exclusion to all our tradesmen, brokers, and shop-keepers, many of whom might otherwise go over and settle in some of the great trading towns in Turkey, and might be of great use in promoting the sale of our manufactures in that country? so far, therefore, this Company must be called an exclusive Company, even by their charter; but by the bye-laws they have made, they have extended the exclusion much farther: they have, in effect, excluded every one who is not a manager, or a friend to the managers of the Company. It is true, they cannot refuse admittance to any mere merchant who is willing to pay the fine, and submit to the bye-laws of the Company; but after a merchant is admitted, he cannot by these bye-laws carry on any trade, unless he be in close combination with the managers and directors of the Company; because he cannot send out any goods but in the Company's general ships, and he can know nothing of the time when these ships are to depart, or of the quantity of goods he may be allowed to ship on board; consequently, no member of the Company can carry on any trade, unless he be in the secret, that is to say, in combination with the managers of the Company; by which means the managers of this Company have, for many years, monopolized the whole trade to themselves and their friends; and this monopoly, my lords, is the true cause of the decay of our Turkey trade, and of the establishment and improvement of that of the French.

My lords, in any branch of trade where we have no rival, we may preserve the trade, even though we have granted a monopoly of it to some company, or some persons amongst ourselves; but as soon as we begin to be rivalled by other nations, in any branch of trade, we must expect to be beat out of it, if we do not immediately destroy the monopoly, and open the trade to all our own people: nay, this of a monopoly may, very probably, be the cause of our being rivalled by foreign nations, who would never, otherwise, have thought of interfering with us in the trade. Monopolizers will always make great profits, both upon what they buy and what they sell: this is the true cause of the decay of our Turkey trade: the managers of the Company having, by their power over general ships, and by their law for preventing goods being sent in any other, got a monopoly of the trade to themselves and their friends, they sold the English manufactures at so high a price in Turkey, that the French were tempted to undertake the trade, and enabled to under-sell them at all the Turkey markets; and at the same time, they sold the Turkey commodities they imported, at so high a price, that they at last put an end to the consumption of them here, as well as to their being re-exported to any foreign market, or wrought up in any of our home manufactures. When we consider this, my lords, we need not wonder at their being able to prove, that the markets were always sufficiently supplied, or that some part of the old stock was still remaining upon hand, when the new ships arrived. This, I believe, was literally true, because they always held the commodities they dealt in at so high a price, that no man would purchase

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any of them, if he could possibly do without them. Whereas, if they had sold at a moderate profit, either the manufactures of England in Turkey, or the commodities of Turkey in England, they might have sent out yearly a great many more ships without glutting the market.

What we call glutting a market, my lords, is a word of a very dubious signification: a man who sells his goods at 50 per cent. profit, will say, the market is glutted, if there be such a quantity exposed to sale, as obliges him to sell at 40 per cent. profit; and this, I believe, is the sort of glutting, and the only sort, which our Turkey monopolizers had to fear; for the success of the French Turkey trade is to me a demonstration, that the Turkey markets were not sufficiently supplied with our manufactures at a moderate price, or at as low a price as our merchants might have sold, if they had not aimed at an immoderate profit. As those that have been long established in any manufacture, can always sell cheaper than new beginners, if the latter are not undersold by the former, it must be on account of their being willing to sell at a less profit; therefore we must conclude, that if our Turkey merchants had not insisted upon having a greater profit upon their sales, than the French Turkey merchants were willing to put up with, the latter could never have introduced any of their manufactures into that country; for besides the advantage we had of being established in the manufacture, the advocates against this Bill have themselves shewn, that we had, and still have, a very great advantage in the cheapness of the chief material: according to their own calculation, the wool, which the French make their cloth of for the Turkey market, costs them 2*s.* a pound; whereas a sort of wool, which we make our cloth of for the same market, does not cost above 9*d.* a pound. It is, therefore, demonstrable, that we might undersell the French, if neither our merchants, nor our manufacturers, desired a greater profit by the sale, than what the French merchants and manufacturers are satisfied with; for labour can be no where cheaper than it is in some of our manufacturing countries; and the difference between the expence of freight and insurance from England to Turkey, and that from Marseilles to Turkey, is not near so great as to counterbalance the advantage we have in the cheapness of the chief material.

For this reason, my lords, I am, from the success of the French Turkey trade, more fully convinced than I can be from the evidence of any witness, that our Turkey merchants, in order to secure a high profit to themselves, took care not to glut the Turkey market, as they called it, that is to say, they took care not to send such a quantity of our manufactures thither, as might reduce the price below what they proposed to sell at, though they might have sold at a much lower price, and might thereby have disposed, in that country, of a much greater quantity of our manufactures; and that they were so obstinately avaricious as to continue this practice, even after they found themselves rivalled by the French, which has established the French Turkey trade, and now almost ruined that of their native country. That this is the case with regard to the sale of our manufactures in Turkey, I say, I am more fully convinced by the late success of the French, than I can be by any other sort of evidence whatever; and that this was the case with regard to the sale of the chief commodities they imported from Turkey, we have a demonstrative proof upon our statute books: I mean the law which was passed in the 6th of the late king, for preventing the importation of Turkey raw silk, or mohair yarn, from any other port or place in the Streights or Levant seas, except such as are within the dominions of the Grand Seignior.

To explain the history of this law, my lords, and to shew how it is a proof of what I say, I must observe, that by the Navigation Act passed in king Charles the 2nd's reign, which enacted, that no goods of foreign growth or manufacture should be brought, even in English shipping, from other places than those of the said growth or manufacture, or from those ports where they can only, or usually have been shipped for transportation: I say, there was in this act an express proviso, that the commodities of the Streights might be imported from the usual places of lading them, though not the place of their growth or manufacture; and under this proviso, our Italian merchants continued to import some small quantities of Turkey silk and mohair, but in so small quantities, and so rarely, that it was never taken notice of by the Turkey Company, till after the establishment of the French Turkey trade; because, till then, there was no large quantity of such commodities to be found in Italy. But after the establishment of

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the French Turkey trade, the French Turkey merchants imported large quantities of Turkey silk and mohair, which they sold to the merchants at Leghorn, and they again to our Italian merchants, who imported large quantities from thence; and notwithstanding this round-about way of fetching it home, they sold it much cheaper here than our Turkey merchants would sell what they imported directly from Turkey; from whence the latter saw, that they must either content themselves with a less profit, by selling at a lower price than they had ever done before, or fall upon some way of putting an end to this traffic carried on by our Italian merchants; and the Turkey Company being then, it seems, though very undeservedly, in high favour with our legislature, they obtained the act of parliament I have mentioned.

Is not then their suing for such a law, and much more their getting such a law actually passed, a demonstrative proof, that they insist upon having an immoderate profit by the sale of every thing they import from Turkey? My lords, it is such a plain proof of the Turkey Company's having a monopoly, and of their making the worst use of that monopoly, that I am surprised how the legislature came to be so much imposed on: I am surprised that their applying for such a law did not open the eyes of every member, so as to make him see the true interest of his country; and my surprise would be much greater, if I did not know what influence the parliament was then under; for I must observe, that the famous South Sea Scheme was approved of and established by the very same session of parliament. If the members of that parliament had been all impartial and unbiassed, they must have seen, that the Turkey Company desired such a law, for no other reason but to enable them to continue the monopoly they had acquired, and to make such an use of it, as was evidently repugnant to the true interest of their country. It is, it is true, the interest of every private merchant, to sell both his imports and exports at as high a price as he can, even though he should thereby diminish or prevent the increase of the demand; but it is the interest of the nation to oblige every merchant to sell both his imports and exports at as low a price as possible, especially when his exports consist chiefly in our manufactures, and his imports in such commodities as are useful in working up several of our manufactures, which is the case of the Turkey trade; and as there is no way of obliging a merchant to sell as cheap as possible, but by giving him as many home rivals in the trade as we can, therefore, we ought to endeavour, as much as we can, to lay every branch of our trade open to all his majesty's subjects: at least, we ought to take care to prevent any monopoly, or combination that may tend towards a monopoly; for such monopolies or combinations always tend to cramp our trade, even in those branches where we can have no foreign rival; and in those branches where foreigners may interfere with us, they will certainly ruin the trade, and transfer it to some foreign rival, which, I may prophesy, will be the fate of our Turkey trade, if this Bill is not passed into a law.

I hope, I have now shewn, my lords, that our Turkey Company is an exclusive Company; that that exclusion extends to all that are not managers, or friends to the managers of the Company; that these managers have thereby monopolized the trade; that they make the worst use of the monopoly they have acquired, by selling both their imports and exports at an extravagant price; and that, by this means, they have established the French Turkey trade, and now almost ruined that of their native country. This, I think, is of itself sufficient for the legislature's laying that Company under some new regulations; but that I may not leave them so much as the shadow of an argument for preserving the monopoly they have acquired, and made so bad an use of, I shall examine the reasons they have given for the exclusion established by their charter, and for that much more extensive exclusion which they have established by their by-law, for restraining their members from sending out, or bringing home any goods in other than general ships.

As to the exclusion established by their charter, my lords, they say, that if we allowed tradesmen, and other low sort of people, to go over and settle in Turkey, they would interfere so much with the low sort of people among the Turks, that it would occasion continual broils, and might expose the whole nation to the fury of the populace. This, my lords, I take to be a mere phantom of the imagination, suggested on purpose to prevent the trade's being laid open; for, in the first place, I do not believe, that any great number of our low people would go over to live among the

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Turks, had they full liberty to go thither. Some might, perhaps, go over to keep shops, and to act as brokers; but even for this purpose no man would go, unless he were encouraged to go by the chief Turkey merchants here, and their factors in Turkey, nor could he stay to carry on any business there, without their protection; so that he would be under a necessity of conforming to their rules, and of avoiding all unnecessary broils with the Turks; for as to his interfering with the Turks in business, there could be no such thing, because very few of the Turks are shop-keepers, and the advocates against the Bill have informed us, that none of them are brokers: therefore, if we had English shop-keepers and brokers in Turkey, as well as factors, I do not think it could occasion many more disputes with the Turks, than our people have at present, and, I am sure, it would contribute greatly to increase the sale of our manufactures. But, in the next place, if this argument were good against allowing any English shop-keepers or brokers to settle in Turkey, would it not be much stronger against our sending any of our ships thither? For I am sure, no sort of men are more unruly, or more apt to breed riots than our seamen, and we might make use of Turkish ships and seamen, as well as of Turkish shop-keepers and brokers, though I shall never alllow this to be a good argument for our doing so; because no broil any of our people can have with the Turks, can be of any bad consequence to the trade, or occasion any tumult, if our ambassador and consuls do their duty.

Then, my lords, as to the exclusion established by the by-law I have mentioned, it is indeed a most monstrous one, and the reasons given for it are absurd. The Company had no occasion to take care, lest our ships or seamen should become a prey to the Barbary pirates: the legislature had before taken as much care of that, as can be done consistently with the freedom of trade, by laying an additional duty of one per cent. on all goods imported from, or exported to, any place within the Streights, in ships of a less force than that described by the act of parliament; and the government has since made any care of this kind altogether useless, by compelling the piratical towns on the Barbary coast, to preserve a due regard for the British flag. The Turkey Company's pretending to make any by-law for this purpose, was not only presumptuous, but quite useless, as to every purpose but that of giving the managers of the Company a monopoly in the trade; this therefore of taking care, that our ships and seamen should not fall a prey to the Barbary pirates, is nothing else but a sham pretence, made use of to cover their real design; and as to the other pretence, of preventing the markets from being glutted, I have already shewn, what they meant by it. If they had left the trade quite open: if they had left every man at liberty to send what goods, what quantities, and by what ships he pleased, every single adventurer would have taken care, in that trade, as in every other open trade, that the markets should not be really glutted, that is to say, never so glutted, as to oblige them to sell for less than a reasonable profit: but then the managers of the Company could not have pretended to have set their price upon any goods sent to or brought from Turkey, nor could they have prevented the arrival of any fresh cargo, till that formerly sent should be disposed of at the high prices by them appointed.

It is therefore apparent, my lords, that there is no just cause for confining the freedom of the Company to mere merchants, and much less for restraining the members of the Company from sending or bringing home, what goods, in what quantities, at what times, and by what ships they please. There never was, there can be no cause for either of these restraints. but that of enabling the managers to monopolize the trade, and sell at an extravagant profit. This is what has ruined the trade; this is what has made the French Turkey trade flourish; this is what has made the use of mohair yarn so expensive, as to induce our people to alter the fashion, and at the same time disabled our manufacturers from working it up in silk and hair stuffs; and this is what has made the Sherbaffe silk and other products of the northern parts of Persia, find their way here through Russia, and those of the southern parts round the Cape of Good Hope; for if the Turkey Company would have contented themselves with a moderate profit upon their sales, no alteration that has lately happened in the affairs of Asia, could have produced any great and durable effect to the prejudice of their trade, nor could the French have ever introduced their manufactures into that country.

For this reason, my lords, I am for demolishing both these restraints: that established by the by-law relating to gene-

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ral ships, is evidently inconsistent with any sort of free trade: and that established by the charter relating to mere merchants, I can see no occasion for. Besides, it has furnished, and will furnish, the Company with a pretence for refusing the freedom of the Company to any one who happens not to be agreeable to the managers, especially if they apprehend him to be such an one as will not join with them in a combination to monopolize the trade, and make extravagant profits by their sales; which to me seems to be the only reason, why they refused the freedom of their Company to a gentleman who lately desired it, and was willing to pay the fine, and submit to their by-laws, so far as they were reasonable or authorized by their charter. These restraints must therefore be both demolished, if you are resolved to restore or preserve the trade; and what is proposed by this Bill is not only proper, but the only effectual regulation that can be made for this purpose.

What remains now, my lords, is to shew, that the demolishing of these restraints, and laying the trade as open as is consistent with its being kept under the government of a company, can be attended with no real danger or inconvenience. One of those dangers, that have been suggested, I have already shewn to be chimerical: I mean that of allowing low people to go over and settle in Turkey, and for that end making them free of the Company; but the great objection, I find, is that of allowing the Jews, especially the meaner sort of them, to be made free of this Company, and to go over and settle in Turkey as subjects of Great Britain. This, it is said, will either entirely destroy our Turkey trade, or throw it entirely into the hands of the Jews. The danger of our trade's being thereby entirely destroyed will arise, it is said, from the disputes that will be occasioned with the Turkish magistrates, who will never be able to distinguish between British and Turkish Jews; and from the indignation that will be raised in the people, at seeing Jews, whom they so much despise, enjoying greater privileges than themselves. As to the disputes with the Turkish magistrates, and their not being able to distinguish between British Jews and native Jews; we know from experience, that the Jews are as quiet and well behaved as any other set of people whatever, and I can see no reason why the Turkish magistrates may not distinguish as plainly between British and native Jews, as they now do between British and native Christians, especially those of the Roman Catholick religion: the distinction will be upon record, and will soon be known by every one they have any dealings with: so that this can occasion no reasonable dispute with any Turkish magistrates; and unreasonable disputes may as probably arise about British Christians as about British Jews.

Then, my lords, as to the indignation, which, it is supposed, will arise, in the Turkish people, at seeing Jews, whom they so much despise, enjoying greater privileges than themselves; it is true, the British subjects in Turkey enjoy some very great privileges with respect to trade, but it has never been found, that the enjoyment of those privileges raised any troublesome indignation among the Turks, because, in many cases, they experience the utility of having British subjects settled among them; and though the Turks despise those Christians that are natives of the country, and subject to their power, as much as they do the Jews that are in the same circumstances, yet they have a very different opinion of the European Christians that are settled among them on account of trade; and if British Jews were to settle among them as British subjects, they would soon begin to have the same regard for them, they now have for British Christians. I can therefore see no solid foundation for apprehending, that the allowing of Jews to go over and settle in Turkey as British subjects will any way tend to destroy our trade; and the apprehension that they will in a short time ingross the whole trade to themselves, is, in my opinion, equally groundless.

As a foundation for this apprehension, my lords, it is said, that the Jews in Turkey have entirely ingrossed to themselves the business of brokerage. If it is so, my lords, I believe, it is owing to that very restraint in our Company's charter which I complain of; for a man who has been bred a mere merchant, thinks it below him to undertake the business of a broker, therefore none of our people who were allowed to settle in Turkey have ever thought of following that business; but if this restraint were taken off, I do not doubt but several of our people would go over to follow that business: no man will say, that an English Christian is not as well qualified for it, both as to his capacity and knowledge, as a Turkish Jew can be supposed to be; and the advocates against

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this Bill have acknowledged, that the Turkish Jews have no exclusive patent for following this business in Turkey: they have engrossed it only by an illegal combination among themselves, which they have been enabled to effectuate, chiefly by our restraining any of our meaner sort of people from going over to settle in Turkey; and as soon as this restraint is taken off, this combination may, and probably will, be dissolved; especially if we should follow the example of the French, and get an article inserted in our capitulations, that no British subject shall be obliged to employ a Jew broker, or any but such as he pleases.

Having thus, my lords, removed the only pretended foundation, I hope I have effectually removed the apprehension, that our British Jews may ingross the whole of our Turkey trade to themselves; and I must subsist it to your lordships consideration, if we are not in greater danger of this consequence, as our Turkey Company stands now regulated, than we could be, should this Bill be passed into a law, and English Christians thereby enabled to go over and settle in Turkey as brokers. As our Company now stands regulated, could they refuse the freedom of their Company to any British Jew who is a mere merchant, not inhabiting within 20 miles of London, or who is otherwise a freeman of that city? Suppose then a number of our British Jews should desire their freedom, and be ready to comply with every thing required by the charter, the Company could not refuse them their admittance; if they should, they would be compelled to it by a writ of Mandamus, as the Russia Company lately was with respect to Da Costa the Jew. Now, my lords, if a great number of Jew merchants were thus admitted into the Company, might not they send over three or four of their number as their factors in Turkey; and by means of the Turkish Jews, who are now the only brokers there, might they not now more easily ingross the trade to themselves, than after the passing of this Bill, when there would probably soon be a great number of our Christian countrymen settled as brokers in Turkey? In my opinion, therefore, my lords, if we could be in any danger of having our Turkey trade ingrossed by the Jews, that danger would be much greater, should this Bill be rejected, than it could be, should it be passed into a law: but I do not think we can be in any such danger: the Jews are sensible of their being upon a better foundation in this country than in any other: they are likewise sensible, how precarious they might render that foundation in this country, which is, and I hope, always will be under a popular government, should they aim at any thing unpopular, which that of their combining to ingross any trade would certainly be; and for this reason, if it were in their power, I am convinced, they would not attempt ingrossing our Turkey trade, but will be ready if we give them leave, to promote that trade, as they do every other branch of our foreign commerce.

As to the danger, my lords, of ships sailing from infected places, or the danger of our privileges being given up by private men, for their own particular conveniency, which, it is said, we may be exposed to, by the liberty given to ships to sail to or from what places they please and to import as well as export whatever goods they think fit, surely no one who has read the Bill now before your lordships with attention, can raise any such objection, because the liberty thereby granted is expressly restricted, and confined to those who shall continue to submit to, and remain under the protection and direction of the British ambassador, and consuls respectively, for the time being, and subject to the by-laws and regulations of the said Company. By these words, both the Company and the respective consul, as well as our ambassador, are vested with as ample powers as they are now intitled to, for preventing a ship's sailing from any infected place, and, likewise, for preventing the nation's privileges from being given up, in any one point, by private men, for their own immediate conveniency.

I hope, my lords, I have now clearly shewn, that our Turkey Company is as much, nay, more an exclusive Company than any trading Company in England; that by means of this exclusive privilege which the managers of the Company have usurped, contrary to the spirit and meaning of their charter, they have established in themselves and friends, a monopoly of the Turkey trade; that by virtue of this monopoly they have kept the English goods in Turkey, and the Turkey goods in England, at an extravagant high price; that their doing so has been the ruin of our Turkey trade, and the establishment of that of the French; that this Bill is the most proper and the only method for demolishing the monopoly which the managers of our Turkey Company have usurp-

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ed, and consequently the most proper method we can take, for recovering the trade: and lastly, that this Bill, if passed into a law, can be attended with no real danger or inconvenience. This being the case, it is no way material, whether we have had any petitions presented to us in its favour: as the Bill came up from the other House, such petitions would, in my opinion, have been improper. We know that many petitions were presented in its favour to the other House, and that no one petition was presented against it, except that from the Company: there was, indeed one brought up against it from the city of Norwich, but it came too late to be presented to the other House, and was probably obtained by solicitation, as a counterpoise to a petition presented in its favour from many of the manufacturers of that city. As to the Company's petition against the Bill, I think it is a strong argument in its favour, and a proof that it will destroy the monopoly which the managers of that Company have usurped; and as to the petition from the city of Norwich, I must observe, that that city have followed the Turkey Company to their ruin: they petitioned against East India stuffs, printed linens, and calicoes, in order to encourage the wear of Turkey burdets, though the pretence was for encouraging their own woollen stuffs: the city of Worcester likewise have followed the Turkey Company, till from fifty master manufacturers they are now reduced to four or five; but that city are now sensible of their error, and were the first who petitioned for such a Bill as this: I mean the first whose petition was presented; for the city of Gloucester were the first that petitioned, though the other was first presented, because, it seems, the member for Worcester had most weight in the other House. It must therefore be admitted, that this Bill is loudly and generally called for by the people without doors; and, I hope, none of your lordships take it amiss, that people have not troubled you with petitions in favour of a Bill sent up from the other House, which is very unusual, and is always, I think, improper. They have appeared before your lordships by their counsel: by them they have, I think, fully shewn, that the Bill is an useful and a necessary Bill; and as I think it at least the first method we must take, if not the only method we can take, for recovering our Turkey trade, I shall therefore be for committing it.

Lord *Delawar:*

My lords; as I may, perhaps, be suspected of a little partiality in favour of the Turkey Company, I should have been silent in this debate, if I had not heard several facts mis-stated, and the proceedings of the Company very much misrepresented upon this occasion. With respect to the noble lord who spoke last, I am too well acquainted with his candour to imagine, that he had any design to impose upon this assembly; but he has given too much credit to those who are the solicitors for this Bill, and by that means has suffered himself to be imposed on, otherwise he would not have asserted, that the Turkey Company by their charter is an exclusive company, or that any by-law has been made with a design to monopolize the trade to the managers or directors of that Company. My lords, no man is excluded from being a member of that Company, except such as ought, and must continue to be excluded, if we are resolved to preserve our trade or our privileges in Turkey. It is easy to say, that low people, or a great number of people, may be kept within the bounds of their duty, as easily as a small number of people of substance and character; but we have the experience of all ages and countries to the contrary; and therefore, I am convinced, that if we allow low tradesmen and shopkeepers to go over and settle in Turkey, it will occasion continual disputes between us and the Turks, which will at last end in our being deprived of all the privileges and immunities we now enjoy in that country. Suppose the Ottoman Porte, by being continually teazed with disputes and altercations between our people and their own, should resolve to strip us of all our privileges, how could we recover them? It is a country, my lords, from whence we reap great advantages by trade, but from whence we could not reap, I believe, either glory or advantage by war: we could therefore redeem our privileges no other way but by a larger sum of money than I shall take upon me to name; and for this reason we ought to endeavour to preserve them, by sending none there that will interfere in business with the natives, nor any that will misbehave, or attempt to make a wrong or immoderate use of the privileges that have been procured them.

If all sorts of people were for a small fine to be made free of the Company, can

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we imagine, that English taylors, shoemakers, joiners, and the like, would not go over and settle in all the Turkish cities where we have factories established? And as they are more expert in their trade than the natives, would not they probably meet with great encouragement? Would not the natives of each respective calling envy them their success? Would not they repine at seeing the bread taken out of their mouths by foreigners? The case would be the same with regard to shopkeepers; and might not this raise an ungovernable spirit amongst the populace against our whole nation? As to shopkeepers, my lords, we have from a late accident some experience of what an universal clamour they might raise among the Turkish people. Within these last two or three years, some of our factors, finding it difficult to dispose of the English manufactures consigned to them, they began to sell by retail, and to make their warehouse a sort of shop. This was presently taken notice of by the shopkeepers of Turkey, and complaint made of it to their magistrates, who insisted, that if this practice should be continued, they would subject all the English warehouses to the same duties and regulations that shops are liable to in that country, which of course obliged our English factors to relinquish that practice.

So much, my lords, with regard to tradesmen and shopkeepers; and now with regard to brokers: I shall grant, that a licensed broker is by the charter excluded from his freedom of the Company, and very justly, because, if there were any, they were very low sort of people, when the charter was first granted; but the business has now come into some repute, and there is nothing in the charter or by-laws of the Company, that can prevent a freeman from setting up as a broker in Turkey, if the thing were practicable. There is nothing more usual in the city of London, than for a man who has failed as a merchant, to set up as a broker; and many have got greater estates in the latter capacity than they could have ever expected in the former. In the Turkey trade, merchants have failed, as well as in every other branch of commerce; and some of them would certainly have gone or returned to Turkey, to set up as brokers, if they could have expected encouragement; but they knew the thing was impracticable. The Jews in that country have so entirely engrossed the business to themselves, and have such a command over the retailers, that no factor could expect to sell any goods, if he employed a Christian, or even a Mahometan broker. They have not, it is true, any exclusive charter for this monopoly, but nevertheless, they are very much favoured and protected in the enjoyment of it by the Turkish laws and magistrates: by their law, if a merchant or dealer takes a Jew broker into his service, as every one must, he cannot lay him aside and employ another, without allowing the broker laid aside some yearly pension, or dead pay, as they call it; and if the broker dies, the son pretends a right to be employed as broker to all those merchants that employed his father. Then as to the Turkish magistrates, they are too apt to encourage the Jews in their encroachments, because they generally employ Jews as their agents in all money matters, and particularly in collecting the customs and other taxes. By these means the Hebrew nation in Turkey have got such a knowledge of every private man's affairs, and so much power in matters of a public nature, that it is very dangerous to have any dispute with them; for upon such occasions they have often interdicted, or forbid dealing with particular merchants, and sometimes with a whole nation. In these circumstances your lordships must see, how impracticable it would be for any English Christian to set up as a broker in Turkey; and this is the true cause why we have no such brokers in that country, which cause could not be removed by any regulation in this Bill; for suppose our Turkey trade were thrown entirely into the hands of our English Jews, I believe, they would take care not to fall out with their brethren, who are natives of Turkey, about the business of brokerage.

From what I have said, I hope your lordships are convinced, that the Turkey Company is not by their charter any otherwise an exclusive Company, than what was necessary for the establishment, and still is necessary for the preservation of the trade; and with respect to the by-law that has been so much exclaimed against, I am surprised how it can be thought to be of any prejudice to our trade, when it is so evidently calculated for the safety of our ships and seamen, and for carrying on the business in a certain regular course. The legislature has, it is true, taken some care to prevent our ships falling into the hands of the Barbary pirates, by enacting,

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that none but ships of force shall sail in the Mediterranean sea, under the penalty of paying one per cent. extraordinary duty; and the government has taken all possible care to keep those pirates at peace with us; but neither of these precautions have been found altogether effectual. The penalty inflicted by the act of parliament is so small, that even upon a rich ship it is not equal to the difference of the expence between sailing in ships of force, and sailing in ships designed only for trade; therefore, if the penalty were rigorously exacted, merchants would often chuse to pay it, rather than make use of such ships as are appointed for that trade by the act; and besides, the act may be easily evaded by sending out small ships, half loaded with fish, to be sold in Italy or Sicily, and with the rest of the cargo to proceed to Turkey; or by making the ship take out her clearance and sail from some port not capable of admitting a ship of 200 tons. Then as to our being now at peace with all the Barbary pirates, experience may convince us how precarious that dependence is; for none of these piratical towns keep peace any longer than they find it their interest to do so, and therefore the best way to keep peace with them, is to oblige our merchants to make use of such ships as may prove an overmatch for most of their rovers. This the Turkey Company designed by the by-law complained of, so far at least as was in their power; and this, I am convinced, was their chief design; for as to their not sending out a new cargo till they were informed by their factors that the old was near disposed of, it was no more than what every private merchant does in every branch of trade. Therefore, if there had been no such by-law: if the members had been under no restriction, but at full liberty to send out their goods in what ships, and at what times they pleased, no member ought to have sent out his goods in ships of no force, and no one would have sent out a cargo of any sort of goods, till he had information from his factor, that there would be a demand for it by the time of its arrival: this the Company always took care to do, as soon and as often as they had any such information; for it has been proved at your lordships' bar, that the markets both at home and abroad were always kept fully supplied.

In this debate, my lords, I find great stress has been laid upon a supposition, that the Turkey Company has always been under the management of a particular set of men, who directed all the resolutions of the Company, both as to their by-laws, and as to their sending out any trading ships, and that this set of men made use of their power for their own particular advantage, to the ruin of the trade of their country. But this, I think, is impossible, in a Company where every mere merchant may insist upon his being admitted, for such a small sum as 25 or 50*l.*; for if any such set of men had got the management of the Company, and had made such a bad use of their power, I hope, there never wanted a sufficient number of merchants of the city of London, who would have had public spirit enough to get themselves admitted, in order to defeat such a combination by taking the management out of the hands of a set of men, who had so wickedly combined to ruin the trade of their country.

But this is not the only groundless supposition that must be made, in order to shew, that the managers of the Company here have ruined the trade, by setting too high a price upon our English manufactures in Turkey, or upon the Turkish commodities here: for this purpose we must likewise suppose, that they have the absolute direction of all the factors settled in Turkey, as well as of the Company here. Now, this, my lords, must appear to be impossible, if we reflect but the least upon the nature of the Turkey Company. By the constitution of that Company any freeman may go over and settle as a factor in Turkey, and every member of the Company here may employ what factor he pleases there. If, then, the managers of the Company had set too high a price upon their goods, can we suppose, that some of the members, perhaps their rivals in power, would not have sent over a factor of their own, and ordered him to sell their goods at a lower price than that fixed by the managers of the Company? And would not they have done the same with respect to the sale of their returns here at home? It is therefore impossible, I think, to suppose, that any man concerned in the Turkey trade, let him have what management of the Company he will, could fix a higher price either upon his exports or imports, than what the nature of the trade made absolutely necessary for producing a reasonable profit to the adventurer.

For this reason, my lords, if the French merchants sell their woollen manufactures in Turkey, cheaper than our merchants

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sell English manufactures of the same kind, it cannot proceed from any mismanagement of the Turkey Company, or of any of the members thereof: it must proceed from some other cause; and those who consider how much cheaper labour is in France than it is in England, may easily find out the cause. What is the reason I do not know, but it is certain, that labourers and workmen of all kinds desire less wages in France, than are required here in England; and I believe, their manufacturers and master-tradesmen are content with a less profit; which enables their merchants to under-sell us in every sort of manufacture, in which they can possibly rival us. Fire-arms, swords, toys of all kinds, as well as woollen manufactures, are sold infinitely cheaper in France than in England; and though they pay dearer for their wool than we do, yet the expence of the wool bears such a small proportion, in any manufacture, to the expence of the labour, that the cheapness of the latter much more than overbalances the dearness of the former. This is the chief reason why, with respect to woollen manufactures, they under-sell us in Turkey; and to this I must add, that the woollen manufacturers of France have great encouragement from the public, by premiums and other advantages, which our manufacturers have nothing of.

From hence your lordships may see the true cause of the French success in the Turkey trade; and what has very much contributed to this success, is, that their manufacturers have invented a sort of cloth which is more agreeable to the Turkish taste and climate, than any sort of manufacture ever yet made in England, though our Turkey Company have been at great pains to get such a cloth made by our manufacturers here; and if such a cloth could be made in some of our remote counties, where labour is cheap, it is to be hoped, our manufacturers would be content with such a small profit, as to enable our merchants to sell it in Turkey as cheap as the French do theirs; but I am sure, there is nothing in this Bill that can contribute towards our inventing such a cloth, or towards enabling our merchants to sell our manufactures cheaper in Turkey than they do at present.

I hope I have convinced your lordships, that the success of the French trade is no argument for proving, that our Turkey Company, by any combination among themselves, have endeavoured to reap an extravagant profit upon their sales of our manufactures in Turkey; and now with regard to the sales of the Turkish commodities here, particularly those of raw silk and mohair yarn, I need not repeat the reasons that were assigned by the noble duke for the late decay in the importation of these commodities, and therefore shall only take notice of what was said by the noble lord for proving, that the Company extorted too high a price for them here. My lords, I never before heard, that the dearness of any commodity made the use of it unfashionable; for I have generally observed, that the more it costs, the more fashionable it is to make use of it; therefore its having become unfashionable to wear mohair buttons or button-holes, seems to be a proof, that the Company sold their mohair yarn too cheap, rather than that they exacted too high a price for it. This argument then proves the contrary of what the noble lord intended; and as to the proof he brought from the act of the 6th of the late king, it will, when rightly considered, appear to be no proof at all of what he alleges. That act, my lords, instead of being a proof of the Company's making an extravagant profit by the raw silk and mohair yarn they imported, is, in my opinion, a proof of their regard for the interest of their country, by taking care that we should not buy goods at the second hand, when we could buy them much cheaper at the first, though the expence of our navigation made them come as dear to the buyer here, as when purchased at the second hand.

To explain what I mean, my lords, I must observe, that as the French make very little use of Turkish raw silk or mohair yarn, or, indeed, of any of the bulky commodities of Turkey, their merchants are at a loss very often with what to load their homeward-bound ships, and therefore their homeward freight costs little or nothing, the goods being often taken in by way of ballast. Then again I must observe, that the freight from Marseilles to Leghorn costs little or nothing, because ships are continually going between these two places with passengers: and lastly, I must observe, that as our imports from Italy take up much less room than our exports, the bulky goods brought hither from thence, pay but a very small freight. From these three observations it is evident, that Turkish raw silk, and other bulky goods, may be transported from Turkey to Marseilles, from Marseilles to Leghorn,

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and from thence to England, for a less expence of freight than from Turkey directly to England; and, consequently, our Italian merchants might have brought the French Turkey silk, and other bulky goods from Leghorn, and might have sold them as cheap, if not cheaper here, than our Turkey merchants could do; but then the prime cost was much more to the nation, and at the same time it discouraged our own navigation, and encouraged that of the French.

Thus your lordships must see, that though our Turkey Company could have sold their Turkish raw silk and mohair yarn, as cheap as any that was imported from Leghorn, yet it was the interest of the nation, and for the encouragement of our navigation, to prohibit that sort of commerce; therefore we ought, in reason, and, I am sure, in charity, to conclude, that it was the Company's regard for the interest of their country, and not any design to make extravagant profits by their sales, that made them propose and solicit an act of parliament for prohibiting the importation of raw silk and mohair yarn of the product or manufacture of Asia, from any ports in the Streights or Levant seas, except such as are within the dominions of the Grand Seignior.

I hope your lordships are, by this time, generally convinced, that the late decay of our Turkey trade is not owing to any exclusive privilege enjoyed by the Company, or to any monopoly acquired by the directors or managers of the Company. It is true, no man can trade to Turkey without being free of the Company, but then, no man that is qualified for the trade can be refused his freedom. I never heard that they refused the freedom of the Company to any man that desired it: I never heard of any complaint of this kind, except one that has been mentioned upon this occasion, and even there the petition was not refused, it was only adjourned, because an objection was made, that the petitioner was not a mere merchant, but a druggist, therefore the court adjourned giving an answer to the petition till the fact should be enquired into. Then as to the pretended monopoly, I have shewn that no such monopoly can be set up by the directors, unless they have the absolute direction of all the factors settled in Turkey, as well as that of the Company here; and neither of these, much less both, can, in my opinion, be supposed to be possible.

I have, my lords, as great an aversion to monopolies in trade as any of your lordships can have, because, by the high price they set upon our manufactures in foreign countries, they prevent the consumption; but as it is the national interest to have our manufactures sold as cheap as possible in foreign countries, so it is the national interest to have our imports from thence bought at as low a price as possible; and as the laying of a trade quite open, runs down the price of our manufactures in any foreign country, so it raises the price of the manufactures or commodities we purchase there for home consumption or use, as we have of late years experienced in the trade to Africa, where we now pay for slaves, and almost every thing we purchase, double or treble the price we paid formerly. Therefore, when a question arises, whether the trade to any country ought to be laid quite open, it ought to be well considered, whether the nation may not lose more by raising the price of the commodities we purchase in that country, than by reducing the price of the commodities we carry thither for sale; and as this may be the case with respect to the Turkey trade, we ought to enquire narrowly into the nature of the trade, before we pass such an enlarging Bill as this we have now before us.

As to the objection relating to the Jews, the noble lord who spoke last does not seem to have considered the nature of that people, and the difference between the British Christians now settled in Turkey, and the British Jews that would go over and settle there, should this Bill be passed into a law. The Jews, my lords, let them be born in what country they will, look upon themselves as all of the same nation: those born in China are as much of the Hebrew nation as those born in England, or any other country; and wherever they meet, they consider themselves as countrymen: they associate together, go to the same synagogue, speak the same language, and have the same customs. Can this be said of the Christians born or settled in Turkey? Have not they different churches, different languages, and different customs? Do the British Christians settled in Turkey associate themselves with the native Christians there, any more than with the native Mussulmen? It will always, therefore, be more difficult for the Turks, especially the populace, to distinguish between the British Jews and the native Jews, than it is now to distin-

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guish between the British Christians and the Christians who are born in that country, and in every respect the subjects of the Ottoman Porte; and this difficulty will not only occasion murmurings among the people, but many more discussions between our consuls and the Turkish magistrates, than have ever yet happened, or can happen, while the trade continues under the present regulations. From all which I must conclude, my lords, that the Bill now before us can be of no service towards recovering or increasing our Turkey trade, but, on the contrary, must be attended with such consequences as will probably occasion the loss of the whole; and therefore, I must be against our taking the trouble to consider it in a committee.

Viscount *Lonsdale:*

My lords; I am so very sensible of the influence which the passions and prejudices of men have upon their understanding and judgment, that it is always with great caution I determine, and with great diffidence I speak upon any subject relating to trade; but I think I never had less difficulty to determine myself than with regard to the question now before us. That monopolies, or combinations for engrossing any branch of trade, are in themselves unjust, and inconsistent with the public good, has been acknowledged by every lord who has spoke in this debate, and is confirmed by the severe laws made against it by this and all other wise nations: upon the present question therefore, the first thing we are to enquire into, is, whether any set of men have got, or may get a monopoly of our Turkey trade, or whether there has been, or may be a combination among a particular sort of men for engrossing to themselves alone the whole of that trade? That there may be such a monopoly or combination, can, I think, be doubted by no man who considers the powers which the Turkey Company have usurped; and that there has been such a thing, the nation has from the effects too fatally experienced.

Whatever may be pretended, my lords, the bye-law made by the Company, for preventing any member's sending out or bringing home any goods except in the Company's ships, could be designed for nothing else, but to enable the directors or managers of the Company to engross the whole trade to themselves; for that law being once made and submitted to, the Company, that is to say, the directors and managers of the Company, had of course the power to direct when the ships should sail, and what quantity of goods, as well as what sort of goods, each member should be allowed to send out or bring home in such a ship: nay, they had the power to appoint the whole loading, the very moment they took the ship into their service; and if any member came afterwards to desire to send a parcel of goods by such a ship, they could then answer, he was come too late, the ship had already her full loading; and therefore, I think, it is plain, that from the moment this by-law was made and submitted to, the directors or managers of the Company got a monopoly of our Turkey trade to themselves and their friends. I say, submitted to; for I wonder how it came to be submitted to. I am clearly of opinion, the Company had no power to make such a by-law: it was not only contrary to the spirit, but to the express words of their charter, which provides, that no bye-law, to be made by the Company, shall 'tend to the hindrance of the trade or traffic of any member thereof.' I am therefore surprized, that some of the members of the Company did not send out a ship upon their private account, and stand a suit with the Company for the broke or penalty inflicted by this bye-law. If there had been such a public spirit among the citizens of London, as the noble lord who spoke last was pleased to mention, some of them would before now have tried this point with the Company; but we all know how cautious a private man is to engage in a law suit with a public company; and I must say, they have, in my opinion, chose the most prudent method, which is that of trying to have the point determined by act of parliament, because it is less expensive, less tedious, and more authentic, than the determination of any of the courts below. I therefore hope, your lordships will maturely consider what you are about to do upon this occasion; for if you reject the Bill now before you, it will for ever establish this bye-law of the Turkey Company: no man will hereafter think of trying the validity of it at common law: no judge, I believe, would venture to decide against it, after it has been under the consideration of this House, and passed without censure; so that the question now before us, really is, whether you will establish a monopoly of our Turkey trade in those who are now, or shall hereafter be the managers of the Company? and if you do this, I may ven-

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ture to prophesy, what will be the consequence.

The noble lord was pleased to say, that no man, or set of men, can get the management of the Turkey Company, because by their charter they can refuse the freedom of their Company to no mere merchant, who is willing to pay the fine and submit to the bye-laws; but will any man apply for his freedom, when he knows, he can carry on no trade without the leave of those who are then the managers, which must be the case as long as this bye-law remains in force? We must suppose, that whilst this bye-law subsists, no man who is not in friendship with the then managers, and resolved to join in combination with them, will apply for his freedom; and if any should, we may depend on it, that the managers will always admit two of their dependents for every one independent man they are forced to admit, by which means they will still be able to keep in their hands the management of the Company; for in all corporations, where the managers may admit whom they please to the freedom of the corporation, we know how easy it is for those who have once got the management of the corporation into their hands, to retain that management as long as they please, especially when no man's private interest can induce him to endeavour to get the management taken out of their hands, which is the case with regard to the Turkey Company; for whilst the bye-law I have mentioned remains in force, a private man will always find his account more in joining with the directors than in contending with them.

It has been said, my lords, that no set of men can get a monopoly of the Turkey trade, unless they had the absolute direction, not only of our Company at home, but of all our factors settled in Turkey, which, it is said, is impossible; because any man who is once admitted to his freedom, may go over and settle in Turkey as a factor. It is true, my lords, any freeman may go over and settle in Turkey as a factor; but how shall he get any business? If any member of the Company here should consign his goods to him, such a member would never again be allowed to send goods in any of the Company's ships, and, by the bye-law, he can send in none other: Nay, he could not so much as get home the cargo commissioned from such a factor. We may therefore be assured, that no man will go out to Turkey as a factor, without having the friendship of the directors here: no man will continue as a factor there, without cultivating that friendship; and therefore, whoever has the direction of our Company here, must always have the direction of all our factors there.

Thus, my lords, it is evident, that whilst this bye-law continues in force, the managers of the Company may, and, I believe, will engross the whole trade to themselves and their friends: that is to say, a particular set of men will have a monopoly of the trade; and the use they designed to make of this monopoly, appears very plainly from the express words of the preambles to the orders in the Company's books: 'To raise the price of our cloth in Turkey, and raw silk at home,' are the very words of these preambles, and more barefacedly shew the design of these monopolizers, than was ever avowed, I believe, by any monopolizers whatsoever. To raise the price both of their imports and exports is, I shall grant, the secret design of all those who aim at a monopoly, either by charter or combination; but it is so inconsistent with the public good, that, I believe, it was never before openly professed; and I am surprized how any one who reads these words, can be at a loss for the true cause of the decay of our Turkey trade.

It can be nothing else, my lords, but that of 'raising the price of our cloth in Turkey, and raw silk at home,' in order to enrich the adventurer by an immoderate profit upon both. It was this that first tempted the French to rival us, and has since enabled them almost to undo us in the Turkey trade. I shall grant, that by the many taxes we have upon the necessaries, as well as the conveniences of life, the price of labour has been raised in England, especially here about London, a little above what it is in France; but the difference is not so great as to over-balance the difference between the price of wool in France, and the price of it in England; nor could all the advantages given by the public to the unexperienced manufacturers of France, have set them upon a par with the experienced manufacturers here in England; therefore I am persuaded, that the French woollen manufactures could never have been sold cheaper in Turkey, than our manufactures might have been sold, had not our exporters insisted upon a higher profit than the French exporters desired. It is true, there are several sorts of French manufactures, especially toys, which are sold

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cheaper in the shops at Paris, than ours are in the shops at London; because ours are generally more substantial, and better workmanship, and because our shopkeepers at London insist upon having a greater profit, than, I believe, is expected by the shop-keepers in any part of the world. It is the same with respect to the French woollen manufactures: they are more slight and showy than ours, and therefore appear cheaper to an ignorant purchaser, but are never found to be so by experience, when our merchants or shopkeepers sell ours at a moderate profit. Therefore, I am persuaded, that the preference given to French cloths in Turkey, is not owing to their being better suited to the taste and climate of the country, but to the immoderate profit exacted by our Turkey Company upon all the cloths they send thither.

However, my lords, I shall for this once grant, that the French have invented a sort of cloth, which is better suited to the taste and climate of Turkey, than any sort of cloth we have hitherto sent thither: even this may be, nay, probably, is owing to our trade's having been monopolized for many years by a certain set of men, who went on in the old beaten path, without ever once setting their invention to work, in order to find out a new sort of cloth, that might be more agreeable to the taste and climate of the people they dealt with. If our Turkey trade had been quite open, this would not have been the case: There would have been a mutual rivalship among all our Turkey merchants, and every man's invention would have been upon the rack, to find out some sort of cloth that might be more agreeable to the people of Turkey, than any sent thither by his rivals. In this competition some lucky man might have hit on that sort of cloth which the French have since invented; and supposing that we are not so good at invention as the French, and might not, therefore, have found out this sort of cloth, yet we are allowed to be so good at imitation, that we generally improve upon all foreign inventions. It is, therefore, surprizing to me, that in twenty or thirty years time, our Turkey Company could not instruct our manufacturers to imitate and improve this sort of French cloth; and since they have been so unsuccessful, I think we should lay the trade open, to try, at least, if some merchant, dealing upon his own private account, may not be more successful.

So much, my lords, with regard to our exports to Turkey, at least the chief branch, which is that of our woollen manufactures; for as to the other exports either from France or England, if the French have some that we have not, we have some, such as lead, tin, and many sorts of iron ware, which they have little or none of; and now with regard to our imports, especially raw silk and mohair yarn, the act of parliament prohibiting their importation from Italy, is to me, notwithstanding what was said by the noble lord who spoke last, a demonstrative proof, that our Turkey Company exacted an immoderate profit upon these commodities, otherwise our Italian merchants could never have imported them from Leghorn to any advantage; for setting aside the freight, let us consider the many additional articles of expence these commodities are loaded with, when imported from Italy, which they are quite free from, when imported directly from Turkey: first, they must be unloaded and pay shore dues, and afford a moderate profit to the importer, at Marseilles: secondly, they must be re-loaded, and pay shore dues at that port for Leghorn: thirdly, they must be unloaded and pay shore dues, with commission to the French factor, and warehouse room at Leghorn: fourthly, they must pay brokerage to the broker who sells them, and commission to the English factor who buys them at Leghorn for his correspondent here; and fifthly, they must be re-loaded, and pay shore dues at Leghorn for England. These are all additional articles of expence, which these commodities are quite free from, when imported hither directly from Turkey; and, in my opinion, the freight must likewise be dearer in this round-about way than it can be in the direct, for I do not remember its having been proved at our bar, that ever any French ships returned from Turkey, or any English ships from Italy, without a loading, or that the passage-boats between Marseilles and Leghorn required no freight, or but a small freight, in proportion to the distance, for any goods they carried. From all which I must conclude, that, if our Turkey merchants had not exacted an extravagant profit upon the silk and mohair yarn imported by them, our Italian merchants neither would, nor could have thought of importing any such commodities from Italy; and how detrimental this practice of our Turkey merchants has been to our silk and our mohair

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manufactures, I shall leave to your lordships to determine.

From the observations I have made, my lords, there is not, I think, the least difficulty in determining, that the managers of the Turkey Company, by means of their by-law, not only may, but have monopolized the whole trade to themselves and their friends; and this was, I am convinced, their chief, if not their only design, in making that by-law; for as to their pretending that their design was to preserve our ships and seamen from the Barbary pirates, it can be nothing but a pretence. If that had been their sole design, they might have enforced the act of the 13th and 14th of king Charles 2, by increasing the penalty upon such of their members as should send goods in any ship of less force than what is described in that act, but they had from hence no occasion for restraining their members from sending goods in any ship but such as was entirely under their direction; and much less had they occasion, from any thing in the nature of a fair trade, to take the least care for preventing the markets being glutted; for no man, for his own sake, will send goods to a foreign market, till he has information that they may probably be sold at a reasonable profit; and the less profit he desires, the more he encourages the trade of his country; and therefore, in every trading country, the legislature should take care, that no man who is content with a reasonable, shall be under the power of one who insists upon an exorbitant advantage.

Having thus shewn, my lords, that the by-law for restraining the members of the Turkey Company from sending goods in any but a joint ship, has not only made that Company an exclusive company, but has established an absolute monopoly in the managers of the Company for the time being, and their friends, I shall next consider that exclusion established by their charter, with respect to all his majesty's subjects under the degree of a mere merchant. It is easy to see through the secret reason of this exclusion, when the charter was first granted. There were then but few mere merchants in England, and from thence the merchants, who solicited the charter, concluded, that if they could obtain this exclusion, it would be easy for them to engross the whole trade to themselves, and such of their friends as should be willing to submit to their dictates. Perhaps, even at that time they pretended, as they do now, that it would be dangerous to admit manufacturers, shop-keepers, or tradesmen, to the freedom of the Company, because of the disputes that might be occasioned by many of them going over to settle in Turkey; and this pretence was easily received as a solid reason by courtiers, who, from their ignorance of trade, or from private motives, have generally been fond of granting exclusive charters; but experience, if we will attend to it, will convince us, that this was then, as it is now, nothing but a pretence. We have merchants, factors, and consuls in Spain, and in every trading country in Europe, yet none, or very few of our shop-keepers or tradesmen go over to settle in any foreign country. The *natale solum* prevails as much among the vulgar, perhaps more than it does among those of superior rank: no man who can live at home will go to settle in any foreign country, unless he has a prospect of some extraordinary advantage; and as to those tradesmen who may not be able to live at home, it is very certain, that all of them would chuse to go to our plantations, or to some country in Europe, rather than to any part of Turkey. From hence, I think, we may be fully convinced, that if all the shop-keepers and tradesmen of the kingdom were free of the Turkey Company, very few of them would go over to settle in Turkey; and if a poor man cannot live at home, I can see no reason why we should prevent his going to settle in Turkey, upon the invitation of some of our factors or consuls there, especially as he must continue to submit to, and remain under the protection and direction of the British ambassador, and consuls respectively, for the time being, and subject to the by-laws and regulations of the Turkey Company, during the whole time he continues there as a British subject.

What a luxuriant fancy may suggest, I do not know, but really, my lords, I cannot suppose, that any great number of our low people would go over to settle in Turkey, were it put as much into their power as is proposed by this Bill; consequently I can apprehend no danger from any disputes that can arise upon that account; and as to the dispute mentioned by the noble lord, in relation to our factors selling by retail, I must say, I think the Turkish magistrates were in the right: if our factors keep open shop, they ought to pay the same duties that are paid by other shop-keepers; and if any of our

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shop-keepers should go over to settle there as shop-keepers, they must certainly do the same. Such disputes may, upon all occasions, be easily determined by reasonable men; and if the Ottoman Porte should, without any reason, deprive us of our privileges, we must, we may recover them by force of arms; for I was surprized to hear the noble lord say, that in such a case we could not compel them to do us justice. This, I say, I was surprized at, because, I think, there is no nation lies more exposed to our resentment than the Turks do, on account of the many islands they possess in the Archipelago, the many sea-ports they have that lie exposed to a bombardment from the sea, and the capital itself, which might be rendered desolate by an English squadron, sent thither for that purpose, as Cromwell once threatned to do.

We have therefore nothing to apprehend from abolishing this exclusive part of the Company's charter; but on the contrary we have, I think, several advantages to expect. Would it not be an advantage to our trade, to have our rich silk weavers made members of the Company, and enabled to import raw silk and mohair yarn upon their own account? Would it not be an advantage to our trade, to have some of our rich woollen manufacturers made members of the Company, and enabled to export our manufactures upon their own account? Could it be any disadvantage to the nation to have some of our rich shop-keepers free of the Company, and enabled to import Turkish burdets and other manufactures upon their own account, in case they found themselves imposed on by the extortion of our Turkey merchants? Even our druggists might with advantage to the nation be admitted to the freedom of the Company, and thereby intitled to import drugs from Turkey upon their own account, which they certainly would do, if they found the Turkey merchants exacting from them an unreasonable profit, or entering into any combination for that purpose; for though drugs, when ignorantly applied or whimsically taken, are often pernicious, yet it must be allowed, that they are necessary for preserving the health of the people, and therefore the public good requires, that they should be imported and retailed at as cheap a rate as possible.

I can therefore, my lords, foresee no danger, but on the contrary many advantages that might accrue to the nation, by laying the Turkey trade as open as is intended by the Bill now before us. As to the Jews, I am surprised to hear any objection made to the Bill on their account; because, with respect to Jews, as Jews, this Bill can make no alteration in the Turkey trade. Are not the Jews born in England as much his majesty's subjects as those of any other nation or religion whatever? Could the Turkey Company refuse the freedom of their Company to any man, on account of his being a Jew, if he were every other way qualified? Therefore, if the British Jews do not now get themselves admitted to the freedom of the Turkey Company, it is not on account of their being Jews, but on account of the fetters that are put by the managers of that Company upon every member, let him be of what nation or religion he will; and it is those fetters that prevent Christians as well as Jews from seeking to be members of the Turkey Company; because, if they were admitted, they could pretend to no share of the Turkey trade, without submitting to be the slaves of the then managers and directors of the Company, as I have already sufficiently shewn.

The other objection, with respect to the prime cost of our imports, would, indeed, have something more the appearance of reason, if Turkey were a country that took off none of our product or manufactures, and from whence we imported nothing but a supply for our luxury; but every one knows that in Turkey we do dispose of large quantities of our product and manufactures, and, I believe we might dispose of much larger quantities of both, if our exporters would sell them there at a moderate profit; and it is likewise well known, that Turkey is a country from whence we import great quantities of materials for our manufactures, and many sorts of drugs which are necessary for the preservation of health. Therefore, if we had some reason to apprehend, that by laying the trade open, we should enhance the prime cost of our imports from Turkey, I should, nevertheless, be for agreeing to it; but, my lords, we have not even this consequence to apprehend. The Turks were a people that understood the value of money, and the value of the commodities they had to dispose of, as also the value of what we had to sell, long before we had any trade with them; and therefore, our laying the trade open may, very probably, lessen the price of Turkish commodities here, but it cannot

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enhance the prime cost in Turkey. It is true, the lessening of the price here, will of course increase the quantities of our imports; but that loss will, I am persuaded, be fully made good to the nation, by the increase of our exports.

With regard to the African trade, my lords, the case was very different: the people of that country, when we first began to trade thither, knew nothing of the value of money, or of any thing either they or we had to dispose of; and, I believe, they have, by the trade's being open, come at last to a little more knowledge in the value of things. But will any one say, that the nation has suffered by the openness of that trade? Are not we still great gainers upon the balance of that trade? And would not we be much greater gainers, if the people of that country could find any thing to give for the manufactures they want of us? Though the prime cost of many of the African commodities has of late years been enhanced, and though many sorts of our manufactures are now sold there at a lower price than they were at first, yet a considerable balance comes home to us yearly in gold, and that balance would be much more considerable, if the inhabitants would be industrious, and could learn the art of finding and working mines; for our merchants are never at a loss what to send to Africa, the only difficulty is, to put the people there upon finding something to give in return, which in one part of Africa consists chiefly in slaves; and if the price of slaves in Africa has of late been enhanced, it is not so much owing to the trade's being open, as to the great increase of the French and Spanish plantations as well as ours; and, perhaps, to the African princes being more at peace with one another; for it is their mutual wars that furnish the Europeans with slaves, because they sell the prisoners they take in war, but can have none to dispose of when they are at peace among themselves.

From hence, my lords, I am apt to believe, that if our African trade had been as much confined as our Turkey trade is now, the price of slaves would have been as high in Africa, and much higher in our plantations, than it is at present, because the Company neither could, nor would have sold at such a small profit as our private merchants now do; and as the French, Dutch, and Portuguese, as well as we, carry on a trade to the coast of Africa, the natives would have learned, from our mutual rivalship, to have sold their other goods as dear, and to have bought European commodities as cheap as they do at present, even supposing our African trade had been as much confined as our trade to Turkey. But if our African trade had been as much confined: if none of his majesty's subjects could have traded to Africa without being admitted members of that Company: and if the members of that Company had been, by a bye-law, restrained from sending any goods to Africa, or bringing any goods from thence, except in the Company's ships: that is to say, if the directors of the African Company, for the time being, had had a monopoly of the trade, I submit it to your lordships, whether our African trade could have been in so flourishing a condition as it is at present. For my own part, I do not believe we should now have had any African trade at all, or but a very little more than was necessary for supplying our sugar plantations with negroes at a very high price; and this would have had as bad an effect upon our sugar plantations, as our Turkey monopoly has had upon our mohair manufactures.

We have no occasion, therefore, my lords, to enter into any deep researches about the affairs of Asia, or of any foreign country, in order to find out the cause of the decay of our Turkey trade. To me the cause is obvious: it is the monopoly, which the directors of our Turkey Company have enjoyed, ever since they made the bye-law for restraining their members from sending out, or bringing home, any goods but in the joint ships of the Company. Therefore, if we have a mind to restore our Turkey trade, or even to preserve what we have left of it, we must abolish that monopoly. For this purpose the Bill now before us is, I think, extremely well calculated: and as I have heard no objections to it but what have been fully answered, I shall be for committing it: I hope your lordships will not reject it, because your rejecting the Bill would establish the validity of the by-law I have mentioned, which, I am confident, your lordships do not intend to do, because it is contrary to the express words of their charter, as I have already observed.

The Earl of *Sandwich*:

My lords; from this debate, as well as from many others, we may perceive, how much the opinions of mankind

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are governed by their prejudices and passions; for I am persuaded this Bill would never have passed the other House, nor met with so good a reception in this, if it had not been for the prejudice, of late years so generally conceived, against all public trading companies whatever: and I must say, that the many gross frauds lately discovered in the management of such companies, has given but too much occasion for that prejudice. I am, therefore, not at all surprised, that the Turkey Company has the opinion of the populace against them; but I am very much surprised to find, that this general prejudice has such an effect upon several of your lordships, and especially upon the noble lord who spoke last, who, in forming his opinions, is, I believe, as little subject to be governed by his passions or prejudices, as any man ever was; and yet upon the present occasion, I hope, he will excuse my thinking, that he has given too much way to that prejudice, which at present prevails against all trading companies established by charter.

I shall readily join with his lordship in this, that the first question to be enquired into upon this occasion, is, whether any member, or any particular set of members of the Turkey Company can, or have acquired a monopoly, by ingrossing the whole Turkey trade to themselves, and such friends as they are pleased to admit into a combination with them. That no such monopoly can be acquired by means of any regulation or restriction in the charter, is, I think, upon all sides admitted; for as there are now such vast numbers of mere merchants in Great Britain, and as no man of that character can be refused his freedom, it would be absolutely impossible to acquire a monopoly by means of that restriction in the charter. But it is said, what the managers of the Company could not do by their charter, they have done by a bye-law for restraining their members from sending out, or bringing home, any goods, except in the Company's ships. This law, it is said, being once submitted to, no member could afterwards carry on any trade to Turkey, unless he was in the secret with those who had got the management of the Company, because he could not otherwise know when any of the Company's ships was to sail, or what quantity of goods, if any, he should be allowed to put on board the next ship the Company was to send out. These things are mere suggestions without any proof.

Suppose, my lords, that after this bye-law was made, the managers of the Company had resolved to confine the trade to themselves and their friends, that from thence they might have it in their power to put what price they pleased both upon their imports and exports: suppose they had entered into a combination for this purpose, could that combination have been concealed from the other members of the Company? Might not they have easily discovered it, by demanding, that a ship should be ordered to sail at such a time, and that they should have leave to send such quantities of goods by that ship? If they had been refused such a reasonable demand, would not they have complained, and should not we have had such complaints fully proved at our bar upon this occasion? We must, therefore, suppose, either that all the members of the Company were partners in this combination, or that there never was any such combination. If we suppose the first, and that the members of the Company had thereby made extravagant profits both upon their imports and exports, could such a beneficial trade have escaped the observation of all the other rich merchants in London, most of whom know the prices of goods both here and in Turkey, as well as any of the Turkey Company? Can we suppose, that they would not have put in for a share of such a beneficial trade, when it was so easy for them to do so? I say easy, my lords, because if a dozen of them had joined together, and demanded their freedom of the Turkey Company, they could not have been refused; and after being once admitted, as they were able to furnish a whole loading by themselves alone, they might, and certainly would have gone to the directors, or managers of the Company, and insisted, that one of the Company's ships should be ordered to sail against such a day. If they had been refused, would not they have had reason to complain? And should not we, upon this occasion, have had such a demand and refusal proved at our bar?

That this would have been the case, my lords, is to me demonstrable; and therefore I must suppose, that there never was such a combination amongst all, or amongst any particular set of the members of the Turkey Company. Indeed to me the thing appears in itself to be impossible. There are such a number of considerable merchants concerned in the Turkey trade, and such a number of factors settled in the seve-

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ral scales of the Levant, that I do not think it possible for such a number of men to join in any combination for oppressing the trade of their country, by exacting unreasonable profits; especially now that they are rivalled by the French, and consequently must trade at a moderate profit, or not trade at all.

There are, my lords, above fifty considerable merchants in London now concerned in the Turkey trade, and about forty distinct houses for carrying it on: there are twenty three different English houses in the several scales of the Levant; and I can bear witness, that, so far from being in any combination, they are often at great variance with one another. When I was upon my travels in Turkey, where my curiosity led me, as it did to several other places, there was such a difference between two of these houses, that the people, though settled in the same city, neither visited, nor so much as conversed with one another; and this, I was told, was often the case, which I think highly probable, because people concerned in the same trade, cannot avoid having frequent contests one with another, and these contests are sometimes carried on with so much heat, as to establish at last an irreconcilable hatred between them. In these circumstances can your lordships think, that a combination of any kind can be carried on among such a number of men, or that it could have been continued for such a number of years? For my part I think it absolutely impossible; and therefore I think the monopoly, said to have been set up by those who have got the management of the Turkey Company, to be altogether imaginary.

But, my lords, besides the impossibility of the thing, we have, from our success against the Dutch, a very strong argument for concluding, that there never was any monopoly in our Turkey trade, or at least that our Turkey merchants never aimed at any immoderate profit, either upon their exports or imports. When we first began to enter into the Turkey trade, the Dutch were in possession of it, and almost the sole possessors; but they were almost entirely beat out of it by our Turkey Company, long before the French began to be our rivals; for our merchants sold all sorts of European goods in Turkey, and all sorts of Turkey goods in Europe, so cheap, that the Dutch found they could carry on no trade there to any advantage, and therefore most of their merchants gave it up.

This, my lords, is an unanswerable argument for proving, that the late decay of our Turkey trade is not owing to any monopoly, or to our merchants setting too high a price either upon their exports or imports: and as this is the only objection I have heard, in this long debate, to the conduct of our Turkey Company, we must conclude, that the late decay of our Turkey trade is not owing to any misconduct in that Company, but to the other causes mentioned in this debate, particularly that of the French having so much interfered with us in that trade; for if we consider the natural and artificial advantages the French have, we cannot wonder at their being able to undermine us very much in the Turkey trade. Their woollen manufactures have had, and still have many encouragements at the public expence; ours have none at all; their manufactures for Turkey lie all near the port of embarkation, ours lie at a great distance, and must consequently be loaded with an expensive land carriage: the labour of the common people is much cheaper in France than it is in England, and must be so, because there is a much greater plenty of money here than there; for the price of labour and every thing else will be in proportion to the plenty or scarcity of money in a country: the freight and insurance from the port of Marseilles, and home again, must be vastly less than from the port of London, and home again: and as the public funds in France are a very precarious security, either for the principal or interest of a man's money, perhaps the rich French merchants may trade at a less profit than any rich English merchant will; because the former can otherwise make nothing of their money, whereas the latter may have their principal secured, and a good interest accruing yearly, by putting their money in our public funds. To all which I shall add, that the French may perhaps meet with more favour both from the people and government of Turkey, than we do, because they are the constant rivals, whereas we are the constant friends of the House of Austria.

These, my lords, I take to be the true causes of the decay of our Turkey trade; and I appeal to your lordships, whether the Bill now before us, if passed into a law, could be of the least service for removing any one of these causes. What are we then to do? We are to try an experiment which, if it is not dangerous, will certainly prove to be an useless experiment: and

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we are to do an act of injustice to a Company, whose conduct, after the strictest scrutiny, we cannot find the least fault with: I say, my lords, an act of injustice, for I really think it so. The Company have been, from time to time, at a vast expence in procuring and preserving those privileges, they now quietly enjoy in Turkey; and we are, by an act of power, against their consent, to communicate all the advantages they reap by these privileges, to all his majesty's subjects, and that at a less fine than any of those now of the Company paid for their admittance. This we are to do, my lords, by the Bill now before us; and this we are to do without any necessity, and without offering the least compensation to the present members of the Company for the injury done to them; which, in my opinion, is neither consistent with the justice, nor with the usual practice of parliament.

Monopolies, my lords, I shall admit, are destructive to trade, and therefore to be discountenanced; but trading companies are, in many cases, absolutely necessary. When the establishing and preserving of forts and factories at a great expence, is necessary for the setting up, or continuing of any trade, a trading company must be incorporated by charter for that purpose. I believe we should never have had any India, Africa, or Turkey trade, if a company had not been incorporated for the purpose; and as a company was necessary for beginning the trade, so, I believe, it is necessary for continuing the trade: as our forts and factories were established, so they must be preserved, at a vast expence; which expence must be furnished and applied by a company, or by the public. As to its being furnished by the public, I have no objection; but I shall never be for leaving the application of it to ministers of state; and, consequently, I must think, that in all such cases a trading company is necessary. That company must be under some regulations, and they are themselves the best judges, what regulations are most proper. The French Turkey trade is under many more, and stricter regulations than our Turkey trade is at present. The Dutch Turkey trade was never under any; yet the French have got the trade, and the Dutch have lost it. We can therefore have, from experience, no inducement for laying our Turkey trade so open as is intended by this Bill; and for this reason, my lords, I shall be against committing the Bill.

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Lord *Bathurst:*

My lords; the opinions of the merchants examined at our bar upon this subject, were so very different, and the arguments made use of in this long debate, seem to me to be on both sides so weighty, that I cannot say I am for or against the question now before you. Some new regulations ought, I think, to be made for recovering the Turkey trade, if possible; but whether the regulations proposed by this Bill be the most proper, is a question I cannot as yet determine. That the French sell their manufactures in Turkey cheaper than we sell ours, is, I think, certain, both from the success of their trade, and from the testimony of all the witnesses that were examined at our bar; but whether this proceeds from the cheapness of labour in France, and the conveniency of their ports, or from their merchants being willing to trade at a less profit than our merchants will, is a question that requires, I think, a much stricter scrutiny into the nature of that trade, than has hitherto been made, and, indeed, a more strict scrutiny than is possible for this House to make. Perhaps the dearness of our manufactures in the Turkey market, as well as all other foreign markets, may proceed from our expensive method of carrying on trade, and the great number of intermediate persons that are employed between the manufacturer and consumer, every one of whom must have such a profit as may enable him to live and thrive by his business. In the first place, there is the master manufacturer, who hires the spinners, weavers, and other poor labourers employed in the fabric: then there is the master dyer, who hires all the poor labourers employed in dying: next there is the Blackwell-hall factor, who is a sort of broker between the master manufacturer and the merchant exporter, and the packer, who packs up the goods for exportation: after these come the merchant exporter and his factor abroad, who again must employ a broker, to find out purchasers for what goods are consigned to him, and these purchasers are generally foreign shop-keepers or dealers, who retail the goods to the foreign consumers.

Thus your lordships may see, what a number of intermediate persons there are between the poor labouring manufacturers in England, and the foreign consumers. All of these must have such a profit as may enable them to live and thrive by

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their business; and this must very much enhance the price of all our manufactures to the foreign consumer. The French, in their method of carrying on trade, must certainly have some of these; but, I believe, they have not such a number as we have: particularly, I believe, they have not such a thing as a packer, or a Blackwell-hall factor; and if we could, by any means, alter the method of our trade, so as to get rid of some of these intermediate persons, our manufactures would, certainly, come cheaper to the foreign consumer, and, consequently, we should find a greater vent for them in foreign markets. These intermediate persons between the labouring manufacturer or mechanic and the consumer, the famous Mr. Locke calls by a general name, brokers; and it is his opinion, that trade will always thrive best in that country where fewest of them are employed. Whether it be possible to diminish the number of them in this country I cannot determine; but it is a question that deserves consideration, and ought to be strictly enquired into, I think, before we pass any such Bill as this, which has now been twice read by your lordships. For this reason, I think, we should neither give ourselves the trouble of considering the Bill in a committee, nor should we absolutely reject it; therefore, the best way will be to drop the Bill softly, by means of the previous question; and if your lordships agree to this, I shall then move for an Address to his majesty, that he would be graciously pleased to order the Board of Trade to enquire into the Turkey trade, and into the methods that may be most proper for its revival, that their report may be ready to be laid before this House the next session of parliament.

The Duke of *Bedford*:

My lords; I beg pardon for giving your lordships a second trouble in this debate, but I must declare against what the noble lord has been pleased to propose, and when he hears my reason, I hope, he will excuse me. My reason is in short this: it would, in my opinion, put an entire stop to our Turkey trade, and consequently ruin it, perhaps, past recovery. If we should drop this Bill by the previous question, and then agree to the Address proposed, every one would from thence suppose, that we should again have the affair under our consideration in the next session of parliament, and that we might then make such regulations, as would entirely alter the state of that trade. Till then, every man would be in suspense, and during that suspense, neither the Company, nor any member of the Company, would send any goods to Turkey, or bring any goods from thence; so that for one year at least, there would be an entire stop to the trade, and in that interval the French might fix themselves so much in every branch of it, that it would be very difficult, if not impossible, for us to move them.

This, my lords, would, in my opinion, be the certain consequence of what the noble lord has been pleased to propose, and therefore, I am for our coming to an immediate determination. I shall agree to drop the Bill as softly as you please, but then, I am for having it dropt in such a manner, as to leave no room for any man to suppose, that the affair will soon come again under the consideration of parliament, or that the parliament will either dissolve the Company, or lay the trade under such regulations as the Company do not approve of. If the Company have been guilty of any misconduct, and if this Bill be proper for rectifying their mistakes, let it be passed into a law; but if neither of these be the case, let it be rejected, and the affair thereby finally determined. I will go farther, my lords, I will say, if it does not evidently appear to us, that the Company have been guilty of misconduct, we ought not to desire any farther enquiry into the trade, either by parliament, or by the Board of Trade. Such enquiries always interrupt the trade during the time of their continuance and ought therefore, never to be entered into, without an apparent necessity. Where there is a company, and that company appears to have been honest and fair in all their proceedings, they must be allowed to be the best judges of what regulations may be proper for carrying on or improving the trade; and if any new regulations should be thought necessary, which required the aid of parliament, it must be supposed, that the Company itself would apply to parliament for that purpose. As there has been no such application upon this occasion, as the Bill now before us was founded only upon complaints against the Company's conduct, and as those complaints have all, in my opinion, appeared to be groundless, I can see no reason why we should desire to give the Board of Trade any trouble in

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this affair, because if any new regulations should hereafter be thought on, for improving our Turkey trade, and those regulations should be such as required the aid of parliament, the Company will certainly apply to us for that purpose, and such regulations we may consider and agree to without any report from the Board of Trade.

I know, my lords, how general the opinion is, that trade ought to be free: that it will find its own channel: and that it will prosper best, when you leave it to its natural course. But this, like most other general rules, has some exceptions: there are some branches of foreign commerce that must be kept under regulations; and that the Turkey trade is one of these, we may be convinced by the success of the French Turkey trade, which has always been kept under very many and very strict regulations. It has always been in a great measure confined to the single port of Marseilles: at least with regard to cloth, it can be exported to Turkey from no other port in France; and even their cloth manufactures are subject to inspection, and kept under several strict regulations. The French factors in Turkey must sell their cloth at a certain time, at a certain price, and in a certain proportion, all fixed by a general agreement; and even some of their returns, particularly the wool they purchase at Constantinople, must be bought in the same manner, the reason of which is, lest by bidding upon one another they should raise the price of that necessary commodity. To these I shall add, that the French are so far from giving a general licence, that no man can go to settle as a French factor or merchant in Turkey, without a particular permission from their government for that purpose. I could mention several others; but these will shew, that the French Turkey trade has always been kept under regulations, and many more than ours ever was subject to. It is not, therefore, regulations, but improper regulations that can hurt any branch of commerce, none of which, our Turkey trade can be said to be subjected to by the Company's charter; and if it has been subjected to any improper regulations by the bye-laws of the Company, the Company can, and certainly will alter them as soon as they are found to be so; for it is not to be supposed, that any set of merchants will knowingly and wilfully ruin the commerce they have been brought up to, and consequently the only commerce they can safely engage in.

I am, therefore, my lords, for leaving the Turkey trade entirely to the care of the Turkey Company, because, I am convinced, they will, if they can, find out proper methods for recovering the trade; and if they cannot, I am afraid, we must sit down with the loss; for if those, who have been bred up to the trade from their infancy, cannot find out proper methods for its recovery, it will not, I am persuaded, be in the power of the Board of Trade, or even of the parliament itself, to find out or apply any method for that purpose. By our intermeddling officiously, at the desire of those, who have no concern in, and are consequently ignorant of the nature of the commerce, we may accelerate, I am sure we cannot prevent its ruin: this, I am fully convinced, would be the consequence of what is now proposed, and therefore I am against the Bill; but as some lords seem inclined to have it dropt softly, I shall so far concur with them, as to move your lordships to adjourn the debate for a month.

Lord *Sandys:*

My lords; for as much as I differ from the noble duke, in my opinion of this Bill, and the consequences it may have upon our Turkey trade, I shall concur with him in desiring to have the affair now determined, because the trade is already come to such a low pass, that it can admit of no delay, and because, I am thoroughly satisfied, that without this, or such a Bill as this, nothing effectual can be contrived for the recovery of that trade.

Now I am up, my lords, I shall beg leave to make a few observations upon what was said by a noble lord, who spoke some time ago against the Bill, and by the noble duke who spoke last. In order to shew, that there is no monopoly in our Turkey trade, the noble lord was pleased to tell us, that there are in London, that is to say, in this kingdom, for there are none any where else, about 40 different houses concerned in the Turkey trade. Now, whatever his lordship may think of this piece of information, it is to me one of the strongest arguments for proving that our Turkey trade is, and has been for many years, under a monopoly, for otherwise there would certainly have been a much greater number of houses concerned in that trade, and there would have been

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Turkey merchants at Bristol, Liverpool, and other outports, as well as at London. Surely, your lordships, may conceive, that 40, or even 50 merchants may easily enter into a combination to monopolize any branch of trade to themselves, and to put what prices they please, both upon their exports and imports: nay, if they can by any means exclude others from the trade, it is from the nature of mankind almost certain, that they will do so; and the means made use of by the Turkey Company for excluding others from the trade is evident; for after having, by their bye-law, put it out of the power of any merchant to send goods to Turkey, or bring goods from thence, in any other than the Company's ships, as the managers of the Company had the direction of those ships, both as to the time of their sailing, and as to whose goods they should take on board, it is evident, that no merchant could, from that time, carry on any trade to Turkey, unless he was in concert with the managers of the Company, for otherwise he could not know when, or what quantities of goods he could send out, nor when or what quantities of returns he could get home; and under such uncertainties, would any man in his senses attempt to carry on any trade?

This, my lords, is evident from the nature of things, and is confirmed by experience; for, ever since that by-law was made, at least, ever since the design of it became manifest, very few, not above four in a year, have been admitted to the freedom of that Company, as we may see by their books; and upon examination we shall find, that those who have been from time to time admitted, were the friends or relations of those who were the managing directors at the time; consequently we may suppose, they were admitted into the combination, before they were admitted into the Company. We shall therefore do no great injury to that Company, by reducing the fines to be paid upon admittance, because they cannot pretend to have made any considerable advantage by those fines, for above these 30 years by-past; and there is not the least shadow of reason for pretending, that by this Bill, any other injury is to be done to the Company, or to any man concerned in it, unless it be called an injury, to put it out of a man's power to ruin his country, by monopolizing any branch of its commerce.

That a monopoly must ruin any branch of trade, in which we can be rivalled by foreigners, has never been so much as doubted of, by those who understand any thing of the nature of trade; and that our Turkey trade has been ruined by the monopoly, which the managing directors of that Company acquired, by means of their by-law, and the power they had over the Company's ships, is apparent from the history of that particular trade, as well as from the nature of trade in general. When we first set up the Turkey trade, we had most formidable rivals, the Dutch, to deal with, who had the advantage of being established in the trade, before we began to enter into it; yet by the natural advantages this nation is endued with, we beat them almost entirely out of the trade, before this by-law was made, and a monopoly thereby set up; and indeed, it would have been ridiculous for the managing directors to have thought of a monopoly, as long as they had the Dutch for their rivals, because they could not make the use commonly made of all monopolies, that is, to exact an extravagant profit upon the sales both of their exports and imports. But after the Dutch had in a great measure given up the trade, as we had then no other formidable rival; the managing directors of our Turkey Company began then to form the scheme of getting a monopoly of the trade into their own hands, and for this purpose, they got the Company to make the by-law, for restraining their members from sending out, or bringing home any goods except in the Company's ships, which, of course, gave them a monopoly of the trade, and enabled them to sell both their exports and imports at an extravagant profit.

What was the consequence, my lords? The French, who knew the high prices our merchants exacted upon the goods they sold, both in Turkey and in Europe, considered that they might reap a great advantage to themselves, and procure a most considerable benefit to their country, by undertaking this trade, and underselling our merchants. This first encouraged them to make the experiment, and as soon as they got rid of the war in queen Anne's time, they set about the Turkey trade with great industry and application; so that, in a very few years, notwithstanding our natural advantages, as well as the advantage of being established in the trade, they became formidable rivals to us in that trade, and this chiefly enabled them to become our rivals likewise in woollen manufactures. If there had been no mono-

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poly in our Turkey trade, the French would never have thought of, much less succeeded in becoming our rivals, and if the managing directors of our Company had been touched with any compassion for their country, they would have resolved to give up their monopoly, or at least to sell at as small a profit as possible, as soon as they found the French beginning to interfere with us in the trade; but from the continuance of this bye-law, and from the success of the French, it is plain they did neither; and therefore, I was surprised to hear the noble duke talk of our not supposing, that any set of merchants will knowingly and wilfully ruin the trade they have been brought up to; for the supposition is not only founded upon a certain fact, but upon common reason. A man of an avaricious temper has no regard for his country, and therefore does not trouble his head about what may become of the trade he has been brought up to, after he is dead, or has made his fortune by it; which was perhaps the case of those, who were the managing directors of our Company, when the French began to interfere with us. They considered, that by selling at their wonted high prices, they might make their fortunes, or be dead, before the French could entirely beat us out of the trade, and they gave themselves no trouble about what might become of the trade afterwards. This, I say, was perhaps their selfish way of thinking; but whether it was or no, it is so far from being impossible to suppose it was, that I wish it may not be the way of thinking amongst some of the Company now.

Thus, my lords, from the history of our Turkey trade it appears, that before this bye-law was made, we were so successful as to beat the Dutch out of the trade, but that since this bye-law was made, we have been so unsuccessful as to be almost beat out of the trade by the French; therefore, I think, it is evident, that by this bye-law, and the monopoly which has been the consequence of it, the trade has been undone. The discovery of the disease, we are told, is half the cure. We have, I think, plainly discovered the disease that has brought our Turkey trade almost to its last gasp: it is this monopoly which the managing directors of the Turkey Company have enjoyed; that is the disease under which that trade labours at present, and can we trust to those very directors the cure of that disease? They may, it is true, my lords, repeal the bye-law they have made; but ought we to trust to that, now when the trade is so near expiring? And suppose they should repeal that bye-law, may they not fall upon other ways for preserving the monopoly they have acquired? Surely they may, if we do not put it out of their power by act of parliament. We now see what they have done, we may from thence judge what they will do, if we give them leave. They have not, indeed, pilfered and pillaged the Company, as the directors of some other companies have done; but can it be said, that all their proceedings have been honest and fair, when we consider the natural tendency of this bye-law, the use that has been made of it, and the frivolous pretences that even before your lordships have been insisted on, for shewing the necessity of their making such a bye-law?

But, my lords, though the monopoly, which the managing directors of the Turkey Company have acquired, by means of this bye-law, be evident from the consequences, and from the present state of the Company as well as the trade, yet the noble lord who spoke against the Bill, undertook to prove, that there never was any such monopoly. This monopoly, his lordship rightly said, could not be established without a combination of some, or of all those that then were of the Company. If of some, said his lordship, it must have been discovered by the other members, and complained of to parliament. My lords, we all know the trouble, expence, and danger of carrying any complaint against a company before either House of Parliament: a single man, or a few men, will never venture upon such a thing, and it is very difficult to get a great number to concur in the complaint, much more to get them to contribute to the expence; therefore, if there never had been any such complaint, it would be no proof, that there never was any such combination. But I must put his lordship in mind, that, in the year 1718, a complaint against the directors was actually brought into parliament, by no less than seven of the members of the Company, and that complaint met with so bad success, that I do not wonder at there never having been any since, especially as the Company appeared to be so much in favour with the legislature, as to obtain, in a year or two after, an act of parliament for restraining the importation of raw silk or mohair yarn from Italy, which seemed to be a legislative ap-

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probation of the monopoly the directors had acquired. My surprise therefore is not, that we have had no complaint since that time, but that we have one now, and this, I am convinced, will be the last, because, if it should prove fruitless, the trade will in a few years be utterly and irretrievably undone, and when this happens to be the case, I believe, no set of merchants or manufacturers will think it worth their while to complain of the management of the Turkey Company.

Another argument made use of by the noble lord for proving, that there was no monopoly in our Turkey trade, was this: his lordship told us, that we had 23 different houses in the several scales of the Levant, and that those houses are often at great enmity with one another. My lords, who are the people settled in these houses? They are the factors, the servants of the Company: it is not they that carry on the monopoly: it is their masters here, and they must exactly follow the directions they receive from their masters. It signifies nothing to the argument, whether they be at enmity or in friendship with one another; and if their masters were sometimes at variance with one another, it would be no proof of their not being in a combination to monopolize the trade. There is nothing more common than to see two of a trade go by the ears together about their particular concerns, and yet cordially join in promoting the general interest of the trade. Even highwaymen sometimes fall out about dividing the spoil; but if a new prey appears, they put off their quarrel, and join in robbing the passenger. Therefore, neither of his lordship's arguments can in the least contribute towards proving, that there is no monopoly in our Turkey trade; and the decay the trade is now in, is, I think, a convincing proof that there is.

I shall grant, my lords, that the French have some advantages, with regard to the Turkey trade, which we have not, but the advantage we have of our wool is much superior to all the advantages the French enjoy; and when the French manufactures and Turkey trade were first set up, we had the further advantage of having been long established in the possession of both. Their port of Marseilles is nearer, it is true, and more convenient for exporting goods to Turkey than any port we have; but as most of their returns must be again exported, because few of them can be sold in France, the port of Marseilles is very inconvenient, and at a great distance from any place those returns can be exported to; and if any of our manufactures are loaded with the expence of a long land carriage to London, it is owing to our Company's bye-law for preventing the exportation in any but their ships, because we have ports as near the seat of our manufactures as Marseilles is to any of the manufactures of France.

As to the price of labour, my lords, it is a mistake to say, that it depends upon the plenty or scarcity of money in a country, for in China and the East Indies the labour of the poor is cheaper than any where in Europe, and yet they have in those countries a much greater plenty of gold, silver, and jewels, than we have in any part of Europe: the price of labour depends chiefly upon the price of provisions, and the plenty or scarcity of labourers, in both which we have the advantage of France, because the necessaries of life are cheaper, and more plenty here than they are there; and as we have been much longer established in the woollen manufacture, we must have a greater plenty of labourers; consequently, I cannot believe, and I have never heard any satisfactory proof, that the price of labour is higher in England than it is in France, if we make the comparison between the remote counties in both kingdoms; for that the price of labour is higher at London than in the south of France, I do not in the least question; but none of our woollen manufactures are made at London, therefore this is not a just comparison, because the comparison ought to be made between the manufacturing counties in both kingdoms; and if such of our taxes, as affect the necessaries of life, or the materials for manufacture, could be abolished, which I have always aimed at, I am persuaded we should, in this respect, have very soon a considerable advantage over our rivals the French.

Lastly, my lords, as to the temptation our merchants have, from the interest and high credit of our funds, to draw their money out of trade, unless they can trade at great profit, I shall grant, it is a misfortune to our trade, which I wish we could get rid of; but this misfortune affects the trade of France, almost as much as it does that of England, because our public funds are in as high credit there as they are here; and as a French merchant may place his money in our funds, and have the interest remitted to him half-yearly, at a mere trifle

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of expence, the temptation must have, in France, very near the same effect it has in England.

As to the question, my lords, whether our Turkey trade ought to be under any, and what regulations, it can have nothing to do in the present debate, because, notwithstanding the Bill now before us, the Company may make what regulations they think fit, provided they are such as are agreeable to their charter, that is to say, such as do not tend to the hindrance of the trade or traffic of any of their members. But I must observe, my lords, that in this country of liberty, where every man must have a fair trial, and cannot be punished unless he be legally convicted, we ought to be much more cautious of laying any branch of trade under regulations, than they have any occasion for in France, where both trials and punishments are arbitrary. The care or execution of every regulation must be trusted to some one or more persons, and he or they will be very apt to make a job of the trust reposed in them for their own benefit, without having the least regard for the benefit of the trade for which the regulation was made. In France it is very easy to discover and punish such practices, because discoveries may be compelled by torture, and a criminal may be punished without being convicted; but in England it is very easy to carry on such job-work, without a man's exposing himself to the possibility of a conviction. For example, if it should be enacted, that no man should go to settle in Turkey as a British merchant or factor, without a licence from the government, or from our Turkey Company: If from the government, some officer must be appointed to grant those licences, and he would probably in a short time make a job of it, by granting licences to every one that would pay him such a fee: If from the Company, the managing directors of the Company would probably grant no licences but to their own friends or relations, or to such as were willing to pay a sum of money for it to some of their friends or relations. Such things cannot be done in France, because of the arbitrariness of their government; but such things may be, and are daily done in England, because every criminal must here be legally tried and convicted.

My lords, we may be convinced of the facility there is in this country to turn every public trust to a private job, by considering the conduct of this very Company now under our consideration. They were erected for the sake of promoting and carrying on our trade to Turkey; and they were empowered by their charter to make whatever bye-laws they thought proper for that purpose, with but one very necessary, and, I must say, very wise proviso, that such bye-laws did not tend to the hindrance of the trade or traffic of any member. This trust they executed very faithfully, till they had established the trade, and brought it to a flourishing condition, that is to say, till it became worth their while to act otherwise; but soon after this happened to be the case, they altered their conduct. Some rich selfish men among them having got into their hands a sort of absolute management of the Company, they formed the scheme of monopolizing the whole trade to themselves and friends, in order, as they themselves express it, to raise the price both of their exports and imports. For this purpose they got the Company to make the bye-law so often mentioned in this debate, for restraining their members from sending any goods to Turkey, or bringing any from thence, in any but the ships of the Company. This bye-law had the desired effect, and, indeed, considering the power they had over the Company's ships, it could hardly miss of it.

This bye-law, was, as a noble lord has already observed, expressly contrary to their charter, and would, I am persuaded, have been annulled, even by our courts at law, if any private man would have been at the expence and trouble of trying it with the Company. Nay, I think, it was a plain forfeiture of their charter; and if our Board of Trade had done their duty, they ought to have advised their sovereign to direct his attorney general to bring a Quo Warranto against the Company, if they did not immediately repeal this bye-law; for as our Board of Trade is come in place of a committee of the privy council, it is their duty to give his majesty the best advice in all matters relating to trade. But the managing directors of the Company were sensible, that in this country they might venture upon thus turning their public trust to a private job, because they foresaw, that no private man would engage in an expensive law suit with the Company; and they supposed, what I fear is too often true, that the Board of Trade would be more concerned about receiving and preserving their salaries, than about doing their duty to their king and country.

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Accordingly, my lords, the bye-law was enacted, and a monopoly thereby established, which has been continued for many years, and exercised in such a manner as to ruin our Turkey trade, and establish that of our most formidable enemies, as well as rivals, the French; and this without the least notice taken of it by our Board of Trade, whose duty it was to have crushed this monopoly in its infancy. Shall we trust the recovery of this trade to those who have so notoriously betrayed the trust reposed in them by their country? Shall we trust it to those who have for so many years neglected their duty to their sovereign? My lords, the merchants of the city of London, and our other trading cities, who were never concerned in the monopoly which has ruined this trade, are the best judges, and the most capable of pointing out the proper methods for recovering the trade: you have many of them now petitioners at your bar: by their advice this Bill was framed: they are of opinion, that this is the most proper method for recovering the trade; and that without such a law as this, all other methods will be rendered ineffectual by the selfish, underhand practices of those, who may hereafter get into their hands the management of the Turkey Company; for that the Company will always be under the management of a few of its richest members, we may be convinced, from the experience not only of this Company, but of all our other trading companies, in every one of which we know how difficult it is for any gentleman to get himself chosen a director, unless he solicits and obtains the favour of having his name put into what they call the house-list. Your lordships may, therefore, drop this Bill in what manner you please; but if you do not pass it into a law, I may venture to prophesy, that no merchant will ever hereafter give himself any trouble about the recovery of our Turkey trade, and that, in a few years, a piece of English cloth will be as great a rarity in Turkey, as it is now in the kingdom of France.

The question was then put, "Whether this Bill shall be adjourned for a month," and carried in the affirmative. The Bill was accordingly lost.

REPORT FROM THE COMMITTEE OF THE HOUSE OF COMMONS APPOINTED TO CONSIDER OF THE PROPER METHODS TO ENFORCE THE ATTENDANCE OF MEMBERS.] May 10. The House, according to order, proceeded to take into consideration the Report from the Committee appointed to consider of the most proper methods to enforce a more early and constant Attendance of the Members upon the service of the House; and to report the same to the House. And the said Report was read, as follows:

> The Committee, appointed to consider of the most proper Methods to enforce a more early and constant Attendance of the Members upon the Service of the House; and to report the same to the House; have considered the same accordingly:

And, for that purpose, thought proper to inspect the Journals of the House; wherein they find, that several orders have been made, from time to time, in relation to the ascertaining the hour of the day when the House should meet; and in relation to obliging members to attend more duly the service of the House; and also in relation to the hour of the day upon which the House, from time to time, resolved they would proceed upon public, and also upon private business; and in relation to the hour limited for new motions to be made in the House; and also after what time Committees of the House are restrained from sitting.

> The Orders which relate to the time on which the House resolved to meet every day are as follow:

Feb. 14, 1606. An Order moved and settled, that the House should assemble every day at eight o'clock.

May 23, 1614. An Order was made, that the House should sit at seven of the clock in the morning.

April 24, 1624. The House made an Order, that all the members of the House should attend the service of the House at half an hour after seven of the clock.

March 23, 1642. The House resolved to sit every morning at eight o'clock: and,

Feb. 14, 1643. They resolve to meet every day at nine.

April 29, 1679. The House then resolved to adjourn every day till seven of the clock the next morning.

March 24, 1689. They resolved to begin to sit every morning at nine of the clock.

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The Orders to oblige members more duly to attend the service of the House are as follow:

May 1, 1641. An Order was made, that all members that should come to the House after eight of the clock, should pay 12*d.* except it should appear they were employed in the service of the House; and if any member forbore to come the whole day, he was to pay 5*s.* unless he had licence from the House, or was sick, or was in the service of the House.

April 19, 1642. The House made an Order, that whosoever was not at prayers every morning at eight of clock, should pay 12*d.*

Feb. 14, 1643. The House resolved, that such members as came after nine, should pay 12*d.*

The Orders made with relation to the time the House resolved to proceed on public business, are as follow:

Feb. 14, 1606. An Order moved and settled, to enter into the great business at nine of the clock.

April 11, 1614. The House ordered, that no Bill should be read the second time until half an hour past eight, and the third time till past nine.

May 23, 1614. They made an Order to begin to read Bills secondly at eight of the clock.

April 24, 1624. By Order, Bills were to be put to passage by eight of the clock.

July 26, 1641. The House ordered, that no public Bill should pass but between nine and twelve of the clock.

Nov. 2, 1696. The House resolved to proceed upon public business every morning at ten o'clock.

The Orders in relation to the hour limited for new motions to be made in the House, are as follow:

March 23, 1641. An Order was made, that no new motion should be made after twelve of the clock.

Feb. 14, 1648. The House resolved, that if any member begun or made a new motion after twelve of clock, he should pay 5*s.*

May 22, 1645. They made an Order, that no new motion of any business whatsoever should be made after twelve of clock; and that Mr. Speaker should not hear any new motion after twelve of the clock.

October 26, 1645. This Order was renewed.

April 25, 1660. The House resolved, that no new business should be brought into, or entertained in the House after twelve of the clock.

April 29, 1679. The House made an Order, that the Standing Order of the House, "That no new motion be made after twelve of the clock," should be strictly and constantly kept and observed.

March 24, 1689. The House resolved, that no new motion be made after one of the clock.

November 19, 1694. The House ordered, that no new motion be made after one o'clock.

Nov. 25, 1695, and Nov. 2, 1696. The same Order was renewed.

The Orders relating to the time for proceeding on private business, are as follow:

August 23, 1660. The House resolved, that no private business should be entertained in the House, on any day, after half an hour after nine of the clock, til further Order.

Nov. 26, 1660. An Order was made, that no private business depending in the House should be proceeded in after ten of the clock in the forenoon, during that session.

Dec. 7, 1660. Another Order was made, that private Bills and businesses be proceeded in daily till nine of the clock; and that the debate of such of them as should not be dispatched at the hour of nine, should be adjourned till next day.

June 10, 1661. The House ordered, that no private business be, from thenceforth, received or taken into debate any day after nine of the clock.

Feb. 4, 1692. An Order was made, that no private Bill be proceeded in after ten o'clock.

Feb. 16, 1692. The time was enlarged till eleven o'clock.

Jan. 24, 1693. The House made an Order, that no private business be proceeded in after ten o'clock.

Jan. 29, 1693. Another Order was made, that no private business be proceeded upon after eleven o'clock.

Nov. 19, 1694. The House resolved, that no private business be proceeded upon after ten o'clock.

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Nov. 24, 1699. They made an Order, that all proceedings upon private business should cease, and be adjourned, every day at eleven o'clock.

Jan. 9, 1701. The House made an Order, that no private business be received after ten o'clock.

The Orders declaring at what time Committees of the House shall be restrained from sitting, are as follow:

June 28, 1641. The House declares, that so soon as the House sits, and that the Serjeant comes to any Committee then sitting, to signify unto them that the House is sitting, that the Chairman shall immediately come away.

March 13, 1693. The House resolves and declares it to be the constant Rule and Order of the House, that no Committee ought to sit after the hour to which the House is adjourned, without the special leave of the House.

Feb. 18, 1697. The House makes an Order, that no Committee, who shall have leave to sit in a morning, do sit after ten o'clock.

Feb. 28, 1699. The House makes an Order, that all Committees, who shall sit in a morning, do rise when the House sits; or, in default thereof, that what they shall do after the sitting of the House, be void.

Feb. 3, 1701. The House orders and declares all proceedings of private Committees, after the House is sat, to be void.

Nov. 28, 1707. The House makes an Order, that no Committee do meet, or sit, after prayers in a morning; and that all that shall be done at any meeting or sitting of any Committee, after that time, be void; and that Mr. Speaker do, from time to time, acquaint the House with such Committees as shall not observe this Order.

Feb. 10, 1730. The House made an Order, that the Serjeant at Arms attending this House do go, from time to time, when the House is going to prayers, give notice thereof to all Committees; and that all proceedings of Committees in a morning, after such notice, be declared to be null and void.

The Committee came to the Resolutions following:

Resolved, 1. "That it is the opinion of this Committee, That the House be called over within fourteen days after the meeting of every session of parliament; and that every member then absent be taken into the custody of the serjeant at arms attending this House, unless such member be employed in the service of the crown abroad, or is incapable to attend by reason of want of health, or some other extraordinary occasion. 2. That no member do absent himself from the service of the House, without the special leave of the House. 3. That every member who shall absent himself from the service of the House for the space of two months, without the special leave of the House, be taken into the custody of the serjeant at arms attending this House. 4. That no private business be entered upon any day, in the House, after one o'clock. 5. That no new motion be made after two o'clock, unless the same relates to business which has been entered upon before that hour, and entertained by the House till the time of making such motion."

The first Resolution being read a second time; ordered, That the further consideration of the said Resolution be postponed.

The second Resolution being read a second time, was agreed to by the House.

The third Resolution being read a second time: the House was moved, That an Act, made in the 6th year of Henry the eighth, intituled, An Act that no knights of shires, nor burgesses, depart before the end of the parliament, might be read; and the same being read accordingly;

Ordered, That the further consideration of the said Resolution be postponed.

The subsequent Resolutions were agreed to by the House.

*The King's Speech at the Close of the Session**.] May 12. His majesty put an

* In the beginning of the campaign of this year, the French arms made a rapid progress; fortified places either submitted at the first summons, or were insignificantly defended; and the passage of the Rhine, by prince Charles of Lorrain, alone retarded the conquest of the Austrian Netherlands. By this diversion the allies became greatly superior in numbers; but, from want of money, could not improve the advantage. The success of prince Charles excited the natural pride of the Austrian cabinet to menace the king of Prussia, who, by the remittance of 100,000*l.* from France, was prompted to re-commence hostilities.

In addition to these misfortunes, the feuds in the cabinet, which had experienced a temporary suspension from the dread of an invasion, broke out with increasing acrimony; and the dismission of lord Carteret, or the resignation of the Pelhams, became indispensable. At this time

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end to the session with the following Speech from the throne:

"My Lords and Gentlemen;

"I cannot put an end to this session, without returning you my hearty thanks for the many demonstrations you have given me, during the course of it, of your good affections, and of your zeal for the support of my government.

"The great preparations made by France on the side of the Austrian Netherlands, must convince all Europe of the

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a curious conversation passed between the duke of Newcastle and lord Carteret, of which I shall give his own relation to his friend the chancellor.

"*Newcastle-house, June 6, 1744.*

"My lord; I have the pleasure to tell you, that our master gave up, yesterday, the Saxon treaty, very coolly and very easily; he said only, that we should repent it when it was too late: in other respects he seemed in good humour. I had a very extraordinary conversation with my lord Carteret, going with him yesterday to Kensington; which, with the late incidents that have passed between us, produced a more extraordinary declaration from him to my brother and me last night. He said, that if my lord Harrington had not been gone, he intended to have spoke very fully to us; that he would do it when your lordship, lord Harrington, and we should be together; that things could not remain as they were; that they must be brought to some precision; he would not be brought down to be over-ruled and out-voted upon every point, by four to one: if we would take the government upon us, we might; but, if we could not, or would not, undertake it, there must be some direction, and he would do it. Much was said upon what had passed last year, upon the probability of the king going abroad, &c. Every thing passed coolly and civilly, but pretty resolutely on both sides. At last, he seemed to return to his usual professions and submission.

"Upon this," adds the duke, "my brother and I thought it absolutely necessary that we should immediately determine amongst ourselves what party to take; and he has therefore desired me to see your lordship, and talk it over with you in the course of this day. We both look upon it, that either my lord Carteret will go out, (which I hardly think is his scheme, or at least his inclination,) or that he will be uncontroulable master. My brother supposes, that, in that case, he means that we should go out. I rather think he may still flatter himself, that (after having had this offer made to us, and our having declined to take the government upon ourselves,) we shall be contented to act a subordinate part. Upon the whole, I think the event must be, that we must either take upon us the government, or go out."

Some unknown circumstances delayed the final settlement of this contest; but mutual jealousies still subsisted, and in September the duke enforced to lord Hardwicke the necessity of removing lord Carteret.

"My opinion," he says, "is always the same; that the only means to act effectually for the public, and honourable for ourselves, is to remove the cause, and the author of all these misfortunes, or to continue no longer ourselves; since we should in some measure be answerable for the general conduct of the ministry, though we should not be in a condition to direct affairs according to our own opinion and judgment. In the first case we should carry on the war, or put an end to it, as we should think it best. In the other, we should be answerable for nothing. This way of thinking is not agreeable to the sentiments of our other friends. They would like better to put it upon measures. If by that they mean the conduct of the war, I agree with them. If they mean the war itself, I think that neither honourable nor just for us who have all concurred in the measure, and some of whom are still of opinion, that, if rightly conducted, it would have ended well. But that which I most fear is, that this difference of opinion, this uneasiness in, this indecision with regard to going out, will draw us on this session, as it did the last, blaming, cavilling, but still going on, and awkwardly supporting; to prevent which, I depend upon your friendship and weight in our deliberations."

In consequence of the ill success of the campaign, and the lukewarmness of the Dutch, the altercations were renewed with redoubled violence. The king warmly supported lord Carteret, of whose skill in foreign affairs, and the management of the war, he entertained the highest opinion. Lord Carteret, who at this period succeeded to the title of earl Granville on the death of his mother, was conscious of support, and did not abandon the helm without extreme reluctance. He attempted, at one time, through the means of the prince of Wales, to effect a coalition with the Tories, and at another to conciliate the Walpole party among the Whigs, by the intervention of the earl of Orford.

Having failed in obtaining a coalition with the Tories and Opposition Whigs, Granville next exerted his efforts to secure the Whigs of the Walpole party. The king entering warmly into his schemes, on the 7th of November summoned into the closet earl Cholmondeley, son-in-law to lord Orford, who had been recently promoted to the privy-seal, on the resignation of lord Gower. After highly commending lord Orford's conduct, particularly his service in regard to the continuance of the Hanover troops, his majesty expressed his desire, that he would repair to town a week or ten days before the meeting of parliament. "The experience," said the king, "I have for so many years had of his lordship's zeal for my service, and his consummate judgment in the domestic affairs of my kingdom, induce me to request his at-

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ambitious and destructive views of that crown, in beginning the present war. It shall be my care, in conjunction with my allies, to pursue the most proper measures to disappoint them, and to prosecute the war in such a manner, as may be most effectual for procuring a safe and honourable peace. My good friends, the States General, have already, in pursuance of my requisition, agreed to furnish the succours stipulated by our treaties; and I have received the strongest assurances of

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attendance in the present dangerous and disturbed situation of Europe, when England is under the necessity of taking so large a share in the support and conduct of the common cause; knowing the real weight of his opinion and influence with numbers in both Houses of Parliament when such nice and important points are proposed for their deliberation and advice." The ex-minister, though scarcely recovered from a fit of the stone, expressed his resolution to obey the commands of the king; at the same time he frankly censured the conduct of foreign affairs, and declined any immediate interposition in favour of lord Granville.

During this interval the die was cast, and the dismission of the favourite minister extorted from the king. At the instance of the duke of Newcastle, and Mr. Pelham, the lord chancellor drew up a strong memorial, representing the ill conduct of foreign affairs, and the necessity of adopting a new system of politics. This memorial, written with great spirit and perspicuity, being highly approved by the Pelhams and lord Harrington, was communicated to the dukes of Devonshire, Dorset, Argyle, and Montague, who engaged to support the measures it recommended. It was presented by the chancellor to the king on the 31st of October, who returned it in a few hours, without any observation. But the duke of Newcastle, Mr. Pelham, and lord Hardwicke enforced the arguments of the memorial in private audiences, and urged the necessity of dismissing lord Granville. The extreme reluctance with which the king acceded to the importunities of his cabinet, and the views of the Pelhams, will appear from a letter written by the duke of Newcastle to lord Hardwicke on the 3d of November:

"My brother will acquaint you with what passed yesterday in the closet, where he supported our paper with all the firmness and judgment imaginable. The effect produced was sullenness, ill-humour, fear: a disposition to acquiesce, if it could be done with lord Granville's approbation; for that is the whole. This appeared plainly by the king's looks, and discourse to lord Granville and me together. He addressed himself to lord G.: 'It is time to think of a speech; we must speak plainly, and lay the whole before the parliament.' Lord G.: 'Two days will do that.' 'No, my lord; this speech may require much alteration; we can add good news if it comes at any time; but we must ask the support of the parliament.' The king went on: 'My lord, you should write to Holland; we must know what the Dutch would do.' 'Sire, I have done it already; if it is right to insist on declaring war, I believe your majesty must write another letter yourself.' I said little, got out of the closet as soon as I could; but, you may imagine, approved certain parts of his majesty's discourse.

"He afterwards sent for lord G. alone; he staid about five minutes; said nothing to us afterward of what had passed. The audience was so short, I suppose the fact only was told, probably with assurances of his support, and recommending management and some compliance to lord Granville. I conclude this day the scheme of conduct will be settled between the king and lord Granville, which will, I believe, be what I always foresaw: a seeming acquiescence, depending upon lord Granville's *sçavoir* to defeat it afterwards, and draw us on. This is what I most dread; and I own I think nothing will prevent it but a concert *entamé*, in a proper manner, directly with lord Chesterfield. I have now delivered the paper in the manner you all like; my brother has well supported it; you will be so good as to do it to-morrow or Monday, and I beg you will explain it to the king; but firmness is beyond all argument. Lord Harrington must soon follow, and I think the duke of Dorset, and the duke of Argyle: the first, I am persuaded, will. I wish you would let me know, by a line on Monday morning, what has passed, that I may hold the same language with the king."

In the audience of the chancellor, who had the principal share in this intrigue, the king expressed an uncommon degree of esteem for lord Granville, and repeatedly exclaimed with no less dignity than warmth, "You would persuade me to abandon my allies; that shall never be the obloquy of my reign, as it was of queen Anne's; I will suffer any extremities rather than consent."

During this state of suspense the session of parliament drew near, and the public mind was highly agitated. Lord Granville was extremely unpopular; he was unjustly considered as the sole cause of the unsuccessful campaign in Germany, of the inactivity of the Dutch, and of the renewal of hostilities by the king of Prussia; even the prolongation of the war was imputed to his counsels.

The king made a final effort to protract the fall of his favourite minister; he ordered the predominant party in the cabinet to draw up his speech, that he might judge, from the contents, whether he approved the measures they proposed. In obedience to his commands, the chancellor submitted a draught to the king, who returned it in the next audience, transcribed from the beginning to the end in his own hand, with some additions, probably suggested by Granville. But on the remonstrances of the

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their just sense, not only of the common danger, but also of the inseparable connection of their interests with those of this kingdom, which I shall not fail to improve for the general good of the common cause."

"Gentlemen of the House of Commons;

"The great readiness and regard to the public service, which you have shewn, in granting the supplies for the current year, are highly acceptable to me. You may depend upon it, that they shall be strictly applied to the ends for which they were given, and in such manner, as may be most for the honour and advantage of Great Britain."

"My Lords and Gentlemen;

"Let me earnestly recommend to you, in your several stations, to be vigilant in preserving the peace and good order of the kingdom. I promise myself, you will seriously consider, that, in the present conjuncture, you are particularly called upon, by all the motives of duty and in-

Pelham party, the king consented to omit the most important of these additions, which declared that he would agree to no peace till all his allies had been satisfied.

This was the prelude to the fall of the minister. The king, unable to conciliate the cabinet, and finding all parties united against him, was compelled to acquiesce, and on the 23d of November testified his resolution to the chancellor that lord Granville should resign, which he did on the following day.

On the resignation of Granville, the views of the Pelhams were developed. During the recent struggle for power, they had gained the leaders of opposition, and arranged a new administration, which was ludicrously called the Broad Bottom, because it indiscriminately admitted the Whigs and Tories into power, on a broad and general basis, without distinction of party. They gained lord Cobham, and his strong parliamentary phalanx, by promoting him to the sixth regiment of horse, by placing Mr. Lyttleton and Mr. George Grenville at the boards of Treasury and Admiralty, and by promising to introduce Mr. Pitt into office, as soon as the king's prejudice against him on account of his parliamentary conduct, could be removed. The duke of Bedford was made first lord of the Admiralty, and gratified with the appointment of his friend the earl of Sandwich to a place at the same board. The Tories were conciliated by the nomination of earl Gower to the office of lord privy seal, and of Mr. Dodington to the post of treasurer to the navy: even sir John Hynde Cotton and sir John Phillips accepted the places of treasurer of the chamber and lord of trade. The duke of Devonshire was nominated lord steward of the household, in the room of the duke of Dorset, who was made president of the council; lord Middlesex and Mr. Fox were appointed lords of the treasury, Waller cofferer of the household, and lord Chesterfield, after much reluctance on the part of the king, was constituted embassador to the Hague, with the lieutenancy of Ireland.

The extreme popularity occasioned by the removal of lord Granville, whose administration was reproachfully called the Drunken Administration, and the coalition of parties, ensured support and tranquillity to the cabinet. The principal speakers in both Houses being ranged on the side of the ministry, the session, which continued from the 27th of November to the 2d of May, was scarcely distinguishable by a single division, and is only mentioned in the annals of Great Britain for the proceedings relative to the conduct of admirals Matthews and Lestock, for an insignificant debate on a motion for annual parliaments, and for a supply of 6,000,000*l.*—Coxe's Memoirs of Horatio, Lord Walpole.

"The dissensions in the British cabinet were now ripened into another revolution in the ministry. Lord Carteret, who was by this time earl Granville in consequence of his mother's death, had engrossed the royal favour so much, that the duke of Newcastle and his brother are said to have taken umbrage at his influence and greatness. He had incurred the resentment of those who were distinguished by the appellation of patriots, and entirely forfeited his popularity. The two brothers were very powerful by their parliamentary interest: they knew their own strength, and engaged in a political alliance with the leading men in the opposition, against the prime minister and his measures. This coalition was dignified with the epithet of "The Broad Bottom," as if it had been established on a true constitutional foundation, comprehending individuals of every class, without distinction of party. The appellation, however, which they assumed, was afterwards converted into a term of derision. The earl of Granville perceiving the gathering storm, and foreseeing the impossibility of withstanding such an opposition in parliament, wisely avoided the impending danger and disgrace, by a voluntary resignation of his employments. The earl of Harrington succeeded him as secretary of state. The duke of Bedford was appointed first lord of the Admiralty, and the earl of Chesterfield declared lord-lieutenant of Ireland. The lords Gower and Cobham were re-established in the offices they had resigned: Mr. Lyttleton was admitted as a commissioner of the treasury; even sir John Hynde Cotton accepted of a place at court; and sir John Phillips sat at the board of trade and plantations, though he soon renounced this employment. This was rather a change of men than of measures, and turned out to the ease and advantage of the sovereign; for his views were no longer thwarted by an obstinate opposition in parliament. The session was opened on the 27th of November in the usual manner."—Smollet.

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terest, to stir up and cultivate in the minds of my people, an hearty, and more than ordinary zeal for the maintenance and defence of our holy religion, and excellent constitution, against the malicious designs of our enemies."

The Lord Chancellor then prorogued the parliament to the 21st of June. It was afterwards further prorogued to the 27th of November.

FOURTH SESSION OF THE NINTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.*] November 27, 1744. The King came to the House of Lords, and opened the Session with the following Speech to both Houses:

"My lords and gentlemen,

"It is always a great satisfaction to me to meet you in parliament, and it is particularly so in this conjuncture, as the present posture of affairs abroad requires your most serious consideration. The events of the last summer have been so various, and some things have fallen out, during the course of it, so much to the disadvantage of the common cause, the consequences whereof remain still undecided, that great attention must be given to them, and proper measures taken for preventing or removing the ill effects of them.

"I have, in pursuance of your repeated advice, exerted my endeavours for the support of the House of Austria, and in the prosecution of the just and necessary war in which we are engaged. The queen of Hungary, though attacked and invaded by powers from whom she had the least reason to expect such a conduct, has shewn the greatest constancy and resolution; and the king of Poland, pursuant to

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* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Introduction to a Journal of remarkable Passages in the 4th Session of the 3rd Parliament of King George the 2nd.

Towards the conclusion of the autumn of 1744, the division between the earl of Granville and the rest of the ministers was grown to that height as to render it impossible for them to co-operate any longer in the king's service, and it was manifest that the public interest suffered not a little by their disunion as to measures abroad, and contests for power at home; with the blame of which he must be charged by all reasonable men, who, blinded with ambition and vanity, provoked contradiction by rash and impracticable counsels, and began the struggle for superiority in the closet. Lord Granville ever since his return out of Germany had taken all opportunities to lessen the credit of the old ministers, and alienate their master's affections from them, with a view either of compelling them to act in a slavish subserviency to himself, or to quit those places they could no longer keep with honour. In the management of the war, which from the king's opinion of his skill in foreign affairs was carried on by his advice, there appeared in too many instances neither contrivance nor wisdom in our designs, nor concert with our allies, nor dispatch nor method in our preparations, nor vigour in the execution of them. At meetings on business he exposed himself by the frantic sallies of an imagination heated with claret, and a behaviour sometimes overbearing and insolent, at other times complaisant, fawning, never cool and ingenuous. To the Chancellor he was particularly liberal of his professions, yet was secretly undermining him and (if the other was not quite misinformed) had made an actual offer of the great seal to my lord chief justice Willes.

Such were the terms on which he stood with his brother ministers: by the nation in general he was held in abhorrence, not only from the character he had acquired of insincerity and falseness, but from an opinion taken up, that he was desirous of prolonging a war, to the conduct of which he had shewn himself very unequal, and, that instead of checking and discountenancing the king's unhappy partiality to his electoral interests, he had from private views raised and fomented it to such a degree, as greatly to lessen the affections of the people. The public ill humour was increased by the inactivity of the campaign in Flanders, and the unlucky alteration in Germany from the king of Prussia's infamous breach of faith. It brought back to their minds in how unaccountable a manner the success at Dettingen had been thrown away; and the emperor's over-

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his engagements with her, hath sent a very considerable force to her assistance. The king of Sardinia, with a magnanimity and firmness superior to the greatest difficulties, has, with the assistance of my fleet, resisted the combined forces of France and Spain, sent against him; and, at last, happily defeated an enterprize formed for his destruction, and for the reduction of Italy, as well as most of the ports in the Mediterranean, under the power of the House of Bourbon. Though our success

tures neglected the last summer, when this noble lord was in the fulness of his power, the only English minister at the camp*. When the Lord Chancellor came to town in September, 1744, a resolution was taken by him and his two great friends, the duke of Newcastle and Mr. Pelham, after maturely weighing the errors which had been committed in the management of the war, and the difficulties with which the vigorous prosecution of it would be attended, to put things if possible on a better footing against another year, and to begin by getting rid of so dangerous a minister as the earl of Granville. It was thought advisable that the first step in this good work, should be to lay before the king a strong and clear Representation in writing on the State of his Affairs, which might afterwards be enforced in private audiences, and the finishing stroke put to it by convincing him of the necessity he lay under, for the benefit of his affairs, of parting with his favourite servant.

The Chancellor undertook to be the draughtsman of this Paper, and when it had received the approbation of the two great persons above mentioned, and the earl of Harrington, who were by no means sparing in their compliments to him upon the performance, it was communicated to the rest of the cabinet, viz. the dukes of Devonshire, Dorset, R——d, Argyle and Montague, and they all engaged to support the measures recommended in it with all their influence. I shall here insert an abstract of this very remarkable Paper, which was allowed by all who saw it to be the composition of an able head and an honest heart. The lord Bol—— in particular after reading it returned it to the Chancellor with this short testimonial in its favour, "My lord, I will seal it with my blood."

Extract.

"Several of the King's Servants having taken into consideration the various events of the summer, and the methods by which his service may be carried on the ensuing session, beg leave to lay their humble Opinion thereupon before his majesty.

"The foundations upon which it was judged that measures of vigour might reasonably be pursued by Great Britain in defence of the House of Austria were these: 1. that a reconciliation should be effectuated between her Hungarian majesty and the king of Prussia, and the latter engaged at least to be neutral. 2. That the States General should be prevailed upon to execute the engagements of their treaties, and make *cause commune* with Great Britain. The first appeared to be absolutely necessary on account of that prince's great power in Germany, and the numerous armies he had on foot, and it was hoped this was effected by the Treaty of Breslau, but he has lately thought fit to break through those ties, to enter into new ones with the emperor and France, and to invade Bohemia with 100,000 men. By this diversion prince Charles has been obliged to evacuate Alsace, and France is at liberty to employ her forces there in other enterprises. In order to counter-balance so considerable a weight thrown into the opposite scale, resource can only be had to Russia and Saxony. As to the former, though she has granted the 12,000 men pursuant to the Treaty of 1742, reasons have been advanced by her to shew that from the advanced season of the year, they cannot be expected till the next campaign, and it is doubtful whether they will be permitted to act beyond the terms of the Treaty which is defensive. Besides, considering the influence of the partizans of France and Prussia over the Czarina, nothing certain can be depended upon from her. As to the elector of Saxony, his strength is by no means a balance for Prussia, nor will he be induced nor perhaps able to exert it even for his own interest, without a subsidy, which is now under consideration, not to mention that the active conduct of Saxony will be influenced in a high degree by the part Russia shall take.

"2ndly. The next grand inducement to our entering into the measures we have pursued, was the effectual concurrence and assistance of the States; but as they

* It appeared afterwards that the ministry in England advised against accepting the emperor's offers, as clogged with an indefinite subsidy.

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has not been answerable to our wishes, yet the vast expectations and designs of our enemies, built upon new intrigues and alliances, and an additional strength, have not hitherto taken place, and will, I hope, by the blessing of God, and the mutual united vigour of Great Britain and her allies, be disappointed. In conjunction with them, and with their effectual assistance and your support, I am determined to carry on the war in such a manner, as may be most conducive to that important end

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have never adjusted the proportions of force and expence, his majesty was not possessed of the proper foundation to insist upon particular stated contingents from them: notwithstanding this, Great Britain has maintained 40,000 men in the field, vast fleets at sea, and this year pays subsidies to the amount of 700,000*l.* and upwards in support of the common cause. It is not denied that several material steps have been taken by the Dutch, but the succours they have hitherto sent have been generally defective in point of force, always in point of time.—When France declared war against his majesty, it became *casus fœderis* beyond dispute: some of the king's servants were then of opinion that a minister of rank and confidence should immediately have been sent to the States to insist upon their declaring war, and to know what might ultimately be expected from them, but this was soon dropped*: the same persons then proposed that a Paper should be transmitted in confidence to the Pensionary through Monsieur Boetslaer's hands, containing the king's thoughts as to the terms of pacification which they proposed, and, (if they could not be obtained) as to the plan and concert amongst the allies, which was necessary to be formed for carrying on the war: but notwithstanding this Paper was delivered in May last, little or no notice has been taken of it, things have gone on pretty much in the same train as before, and though the Dutch barrier has been attacked by France, she has shewn no disposition to break with that crown. Many obvious inconveniencies have arisen from the want of such a Treaty as has been above described for stipulating quotas with Holland, we have no rule to go by for concerting a Plan of Operations, no ground to stand upon, for whenever any enterprise has been proposed, things have been brought to this dilemma from the disputes that have arisen, either to lose the opportunity or lay the whole burden on Great Britain. In this precarious state we can never be at a certainty what number of troops shall be continued by the allies on any service; since part of them may at any time be withdrawn for particular ends, of which prince Lobkovitz's Neapolitan expedition is a strong proof. Holland in its present situation may withdraw herself when she pleases, since France can hardly be so ill advised as first to proclaim war against her.

"Matters appearing in this light to several of the King's Servants, they beg leave to lay the following Opinion before him. 1st, That it is advisable to insist with the States upon the entire execution of the Treaty of 1678. 2ndly, That a Treaty should be entered into, between his majesty, the Republic, and the other allies, stipulating to carry on the war *totis viribus*, and regulating the proportions, command of the army, and such like particulars*. 3rdly, That a categorical answer should be pressed on both these points, and that a regulation should be set on foot with the States General with the greatest weight and dignity, giving the ministers plainly to understand, that except this is done, Great Britain cannot take upon herself the expence and burden of a war on the continent; if they comply, some solid system may be formed, and the parliament have some encouragement to provide the supplies. These inconveniencies will arise if the measures above mentioned are not speedily taken: 1st, the disconcertedness and confusion will still subsist: 2nd, the demands and burthens upon England will encrease, wear out the good dispositions of the parliament, and the abilities of the people, already much impoverished in several places: 3rd, from hence such inconveniences and dangers may arise, as every good subject and servant of the crown would labour to avoid. *Obj.* France has declared war, we must stand on our defence. *Ans.* This country will alone defend his majesty, and her own rights to the last shilling of her

* By Lord Carteret's means.

* Such a concert, though not adequate to our expectations, was afterwards concluded with the States by lord Chesterfield and Mr. Trevor, and the subsequent campaigns were ushered in by treaties of this nature which none of the allies, except Great Britain, ever punctually fulfilled.

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which is my sole aim, a safe and honourable peace; it being my firm resolution, never to abandon my allies, and to procure the utmost security to the religion, liberties, and commerce of my kingdoms.

"For this purpose, I have always insisted, and am still endeavouring with my allies, particularly my good friends the States General of the United Provinces, to fix the certain proportions of forces and

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treasure, and the last drop of her blood; but if a general war cannot be made on a practicable foot, it may be proposed to Holland, to act in concert with us, for a general pacification. That failing, before any extraordinary supplies are moved for, it will be the duty of every faithful servant of the crown to think of some other system of supporting the war for the defence and security of Great Britain, all which is humbly submitted to his majesty's superior wisdom."

The duke of Newcastle delivered this Paper to the king the 31st of October, but whether he was displeased with the contents, or did not immediately see the drift of it, he returned it to the Duke in a few hours without any signification of his thoughts upon it; but the framers of the Memorial were determined not to let it drop so easily, and began in their private audiences to explain and enlarge upon the advice it contained. When the most delicate point of all came in question, which was the dismission of lord Granville, many difficulties occurred, and an uncommon degree of tenderness and esteem was expressed for him. Nor is it to be wondered at, since he had found out the art of governing the king by his hopes. It was frequently repeated with warmth to the Chancellor, who had the principal share in this intrigue. "You would persuade me to abandon my allies; that shall never be the obloquy of my reign, as it was of queen Anne's; I will suffer any extremities rather than consent to it." The meeting of the parliament drew near whilst this affair hung in suspence, and as every body saw it must be determined before the opening of the session, their expectations were much raised, and their sentiments divided as to the issue of the struggle; but in their wishes they were perfectly unanimous, and dreaded nothing so much as a compromise. At last the king said he would have his Speech drawn and judge from the turn of it, whether he approved the measures; the Chancellor in obedience to his commands, brought one, and left it with him, and the next time he went into the closet, his majesty produced it transcribed from beginning to end in his own hand, which trouble it was supposed he gave himself for the sake of inserting two or three additions suggested by his favourite; the only one of importance he consented to leave out, when the ill consequences that might attend it were laid before him. It was, if I remember right, a declaration to parliament that he would agree to no peace, till all his allies had been satisfied, and came in after the words about not abandoning them, which are in the printed Speech. In the same audience, which was on Friday the 23rd, the king acquainted the Chancellor that lord Granville should resign; but this was not resolved on till the latter had tried every expedient to save himself, and as his last resource proposed *charte blanche* to the Opposition.

His Royal Highness, who unfortunately had no point of union with his father but a fondness for Hanover and an attachment to lord Granville, first offered himself as a mediator between the contending parties in the ministry; when that did not succeed he set on foot a negociation with the other side, by a message to Chesterfield, Gower, and Cobham, to this effect, "that as the differences in the administration were grown to that height through the unreasonableness of Granville's enemies, that some changes must necessarily ensue: if they and their friends would come in and support the said earl, a general removal should be made of the old court, and the whole Broad Bottom (as it was called) provided for without reserve." This overture was seconded by a message from Granville himself, and hopes were thrown out to the Tories of a dissolution of the parliament, but to no purpose, for the persons applied to returned a short answer that they could not think of accepting any terms, whilst Granville continued in power. The Treaty being thus abruptly broke off, this hunted minister, at present an outcast from all parties, was obliged to resign, having first laid the foundation of future merit and favour, by giving assurances that himself and his friends would heartily concur in supporting the war, and even outgo the ministers on that head. The seals were immediately given to lord Harrington, who had acted in a perfect concurrence with the Chancellor and his

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expence, to be furnished by each of the confederates, in the prosecution of this just and necessary war.

"Gentlemen of the House of Commons,

"I have ordered the Estimates for the service of the ensuing year to be prepared and laid before you, and desire you to grant me such supplies as shall be requisite for the security and welfare of the nation, and for carrying on such measures, as it shall be necessary for Great Britain to pursue in the present extraordinary crisis. I am deeply sensible of, and concerned for, the burthens which lie upon my good subjects; and you may be assured, that no endeavours shall be wanting on my part to ease them in every instance, where the consequence of doing so may not endanger their own true interests.

"My Lords and Gentlemen,

"I have laid before you my views and intentions. Your concurrence with me, in a steady pursuit of them, will best manifest your zeal for the common cause, lay the surest foundation for the real support of our allies, and for the security and prosperity of your country: and nothing can add so much to the weight and efficacy of your resolutions, as unanimity and dispatch."

The Lords' Address of Thanks.] Their lordships agreed upon the following Address without any opposition.

"Most Gracious Sovereign,

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your majesty our humble thanks for your most gracious Speech from the throne.

"Our zeal for your majesty, the love of our country, and our anxious regard for the welfare and liberties of Europe, have made us look with the utmost concern on those events which have fallen out during the last summer, to the disadvantage of the common cause; and our surprize is no less, when we consider the part which has been taken by some powers, so contrary to their own true and essential interest. The necessity of taking proper measures to prevent or remove the ill effects of these events is apparent: and no endeavours shall be wanting in us to obviate them.

"We have seen, with the utmost satisfaction, not only your majesty's magnanimity and zeal in the prosecution of the just and necessary war wherein we are engaged, but also the constancy and firmness shewn by the queen of Hungary and the king of Sardinia, under the greatest difficulties. The disappointment of an enterprize formed for the destruction of the latter, as well as for reducing Italy under the dominion of the House of Bourbon, is of great importance to this nation; since, if such a design had succeeded, it must have been attended with fatal consequences to the trade and navigation of your majesty's subjects in the Mediterranean.

"We acknowledge with the greatest thankfulness, your majesty's wisdom and goodness, in declaring to your parliament, that you are determined to carry on the war, in conjunction with your allies, and with their effectual assistance, in such a manner as may be most conducive to a safe and honourable peace. In making this desirable end your sole aim, your majesty shews a just sense of true glory, and a tender regard, not only for your own subjects, but extended to the rest of Europe.

"As your majesty's Resolution, never to abandon your allies, must be an additional encouragement to them strictly to perform their engagements with your majesty; so your paternal care, to procure the utmost security to the religion, liberties, and commerce of your kingdoms, cannot fail to excite in the hearts of all your faithful subjects, the warmest affection and duty to your sacred person, and zeal for your defence and support.

"It is with real satisfaction we receive your majesty's declaration, that you are actually endeavouring with your allies, particularly the States General of the United Provinces, the ancient and natural friends of this nation, to adjust the proportions of forces and expence to be borne by each of the confederates in the war. Such a concert will be the basis of great utility and advantage to the common cause.

"We are truly sensible of your ma-

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friends during this transaction, and whose experience in foreign affairs was useful in business, and at the same time his person very acceptable in the closet.*

* It was so at that time, but the part he took in the Resignations of 1746 made him so disagreeable to the king that he could not endure him afterwards, and when he quitted the lieutenancy of Ireland in 1751, it was without any pension for his past services.

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jesty's goodness, in laying before us these your salutary views and intentions; and we do, with the greatest zeal and firmness, assure your majesty, that we are fully determined to support you in the steady prosecution of them, and in carrying on such measures as it shall be necessary for Great Britain to pursue in this critical conjuncture.

"May the Divine Providence prosper your majesty's counsels and arms with success, equal to the justice of your cause! For our part, we beg leave to give your majesty the strongest assurances, that we have the honour and safety of your majesty, the security and true interest of your kingdoms, and the happy issue of this just and necessary war, entirely at heart; and will, at the hazard of our lives and fortunes, stand by and defend your majesty, your royal family and government, against the ambitious and destructive designs of France, and of any other power that shall attempt to attack or disturb them."

The King's Answer.] His majesty gave this Answer:

"My Lords;

"I heartily thank you for this dutiful and affectionate Address. The zeal which you have so seasonably expressed for my person and government, for carrying on this just and necessary war, and for the vigorous support of my allies, give me the greatest satisfaction; and your unanimity in doing this, cannot fail to add greatly to the good effects of it, both at home and abroad."

*Debate in the Commons on the Address of Thanks.**] The Commons being returned to their House,†

Mr. *Yorke* rose and said:

Sir; as it has always been the custom to take into consideration the speeches from the throne, and as I do not believe, that any man will desire on this occasion to deviate from the regular and established method of procedure, it can be of no use to recommend to the House an unusual attention to the Speech which we have now heard from his majesty; because the importance of the affairs to which it relates is sufficient to awaken indolence, and to alarm security, to excite every man to the exertion of all his faculties, and to fill every breast with those passions, which are enkindled by the love of our country.

The time is now come, in which the House of Bourbon, that House which has so often disturbed by its ambition the tranquillity of mankind, that House which has so long endeavoured the destruction of other powers, is making another effort for the subversion of liberty, and once more openly declares the design, which it has never laid aside, the design of establishing universal monarchy, and of extending its tyranny through half the nations of the world. For this end, we see fleets equipped, and armies levied, and the neighbouring countries overflowed at once with a deluge of destruction; we see the whole continent alarmed, and every place filled with intrigues or terror, with war or preparations for it.

All the stratagems which our ancestors defeated, have been again renewed; all the projects which they opposed, are prosecuted with new vigour; the same arts are practised to divide us from our allies, and from one another, and we are again in danger of being swallowed up by France, or of standing alone against her power.

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* From the Gentleman's Magazine.

† The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Journal of Proceedings in Parliament.

The Parliament met according to summons the 27th of November. The Addresses passed *nem. con.* in both Houses, which was understood as a tacit approbation of the late change. The duke of Devonshire and lord Herbert moved the Lords' Address; Yorke and Ellis that of the Commons. From this time to the day of adjournment, December 22, no public business was dispatched, except voting the Land Tax; There was a dead calm in the two Houses, and in consequence of it, a very thin attendance, but an interval of so much tranquillity there was filled up with uncommon activity and intrigue amongst the men in power. As soon as the old ministry had got rid of Granville, they found the necessity of taking in more strength, and attempting a coalition of parties, as well to facilitate the public service in parliament, as to secure themselves against the return of their rival. The leaders of the opposition, both Whigs and Tories, were so well satisfied with his disgrace, as to give assurances of their rea-

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It is impossible to refrain from grief and indignation, when we reflect at once, how near we were to security a few months ago, and by what means we were again disappointed of the happiness, which it then appeared so reasonable to expect, the re-establishment of our allies in their just claims, and the repression of that ambition by which we have been so often endangered. Gentlemen need not be informed that I mean the happy prospect which offered upon the successful passage of the Rhine, by the heroic prince Charles, and the precipitate flight of the French before him: neither will they think that I aggravate an unexpected action of the king of Prussia, which obliged his highness to leave his conquests, and hasten to the defence of Bohemia, when I call it an unsuitable and ungrateful return, both to those who procured, and those who made him such ample concessions: it may not be decent for me to give the proceedings of a monarch, a severer name; but I cannot conceal that astonishment, which nature, which reason excite upon reflecting on the imprudence of princes, who for the acquisition of temporary advantages, or the gratification of present passions, suffer themselves to assist France in their own ruin, and by breaking down the barrier by which alone she can be restrained, expose themselves to a power, from which it has been long discovered, that no lasting friendship is to be expected, and which has always excited one prince to make war

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diness to carry on the war upon a practicable footing, but it was absurd to expect their concurrence, without letting some of them into places of trust and profit. Now, against this, lay two weighty objections: 1. By opening a door to the Tories, the old corps of Whigs might be discontented and alarmed: 2. The new part of the court would complain of it as a breach of the terms, or, as lord Bath called them, the *pacta conventa* on which they came in; but it was considered that the force of these objections might be fairly taken off with regard to the old Whigs, by informing them of the repeated overtures made to the Opposition, which must convince them, that they had no other option than this: either to suffer lord Granville to complete their ruin by bringing in the whole Broad Bottom, or to acquiesce in their friends taking in a small part only, to prevent their destruction, and act under them. With regard to the new side of the court, it might be said, that admitting there was such an agreement it was reciprocal. Lord Granville was the minister to act and answer for them; for lord Bath frequently professed to remain independant: now, with what punctuality and honour the former had kept this plighted faith, his behaviour ever since his return from Germany, and his unlimited offer to the Tories are strong proofs. Particulars might deserve compassion, but they were treated with as a party, an aggregate body, not as individuals, and must be respondent for the fidelity of their head: were it otherwise, many obvious inconveniences must ensue from ministers permitting the friends of their predecessor to remain in place, and be in a manner entailed upon them at a change. It was likewise hoped that the king might be set at the head of his whole people, which would give him on the one hand strength against his enemies, and on the other, authority with his allies, both to support them with vigour, and to refuse unreasonable demands, since it would be soon felt abroad, that the support of the war was a national not a ministerial measure. Such were the motives which induced the Chancellor and his friends to open a Treaty with Chesterfield, Gower, and Cobham, and till this was brought to an issue one way or other no business could be transacted in parliament. Several meetings were held before the alterations could be settled, and many rubs and difficulties intervened, which my informations do not enable me to enter into the particulars of. I believe on good grounds, that Cobham's spleen and positiveness created more disturbance than any thing else: Gower and Chesterfield both acted moderate and healing parts. They professed all along to act under the authority and with the approbation of their party. The old ministry made the preservation of their friends their first and principal object, as was sufficiently apparent when the changes were declared, which was done, and the new writs moved for December 22; after which both Houses adjourned till January the 10th. As Mr. Pitt would accept of nothing but the Secretaryship of War, and an expedient could not be immediately found out to dispose of sir W. Yonge, or as others said, to make the king easy under his removal, he continued independant, but gave strong assurances of being satisfied with the present system and determined to support it.

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upon another that both may be weakened, and that she, whenever an opportunity of attacking them shall be found, may have an easy conquest.

Yet the success of our enemies, whatever they may pretend, and whatever advantages they may expect from it hereafter, has not been such as ought to sink us into despair; the queen of Hungary recovers strength; the ungrateful prince is forced to quit his sudden conquests; neighbouring states are alarmed, and our national force is hitherto unbroken, our funds are in the highest credit, and our wealth not likely to be diminished by the war, so much as that of our enemies. We may, therefore, yet hope to re-inspirit the neighbouring nations, and to raise a new confederacy against the House of Bourbon, that shall establish liberty, restore peace and secure the world, though not from all future disturbance, yet from any speedy attempts upon its quiet or its freedom.

But to effect these great, these necessary purposes, to supply the present exigencies of the war, and to stop violence and oppression in the full career of success, to pull down the trophies of injustice, and repress the insolence of victorious pride, it is necessary that we should unite all our endeavours, that we should agree to lay aside for a time all other considerations, that we should still the jars of faction, and close the eyes of domestic suspicion, that we should banish all personal animosities, which in public enquiries ought never to exert their influence, and suspend all controversies on questions, which, though of very great importance, and not always unseasonable in this House, must be now considered as improper and intrusive; since they must obstruct deliberations of a higher kind, in which the existence of our laws, and the continuance of the name of England is involved. And surely when such subjects call for our attention, it is no less improper to deviate into questions relating to particular laws, than to be solicitous about disposing the utensils or lading of a ship, when the ship itself is labouring in the tempest.

With a very just sense, therefore, of the importance of the present conjuncture of affairs, has his majesty recommended to us unanimity and dispatch, as eminently necessary at this time, when our enemies are practising all their wiles, and exerting all their strength.

How necessary dispatch is in time of war, it cannot be of any use to observe, since nobody can be ignorant how many opportunities may be lost by a short delay, which no degree of diligence can afterwards regain. We know that our enemies have got by expedition, whatever they have at any time been able to gain from us; and we know, that, at present, our allies are so much distressed, that speedy assistance is necessary, and, to disappoint them now, is, in effect, to abandon them for ever; to abandon them to the mercy of an enraged enemy, whom they have only ventured to provoke and defy, in full confidence of support from this nation.

As dispatch is undoubtedly necessary to success, so also unanimity is of the utmost importance; because, from unanimity alone is dispatch to be expected.

Nothing, therefore, can, in my opinion, be more proper, than to assure his majesty, that we shall sincerely unite in endeavouring to secure our liberties, and advance the common cause of justice, and of liberty, and that we will not suffer ourselves to be diverted from these good purposes, by any trivial or private considerations. I move therefore, that it may be resolved, "That an humble Address be presented to his majesty, to return his majesty the thanks of this House for his most gracious Speech from the throne, to express our great concern at what has happened, during the last summer, to the disadvantage of the common cause; and to assure his majesty, that, as we are very apprehensive of the consequences of these events, we will not only give great attention to them, but do all that is in our power to prevent or remove the ill effects of them; that we cannot sufficiently applaud the constancy and resolution of the queen of Hungary, nor can we less admire the magnanimity and firmness of the king of Sardinia, who, with the assistance of his majesty, has been able to obstruct the ambitious designs of the House of Bourbon, in Italy; to return his majesty our thanks for his prudent and tender regard to the condition of his subjects, and for his endeavours to concert and stipulate with his allies, particularly the States General, the proportions of forces and expence to be borne by the respective confederates in this war; and to assure his majesty, that we will, to the utmost of our power, assist and support his majesty in carrying on the just and necessary war against the enemies of this nation, and the disturbers of Europe, till a safe and honourable peace can

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be obtained: that, as his majesty has been graciously pleased to lay before his parliament his views and intentions, he may depend on his faithful Commons for their ready and cheerful assistance to maintain the honour and dignity of the crown, to enable his majesty effectually to support his allies, and to contribute whatever may be found necessary and expedient to bring about, with honour, a just and reasonable settlement of the present embroiled state of Europe."

Mr. *Ellis:*

Sir; the Address proposed by the honourable gentleman is so proper and seasonable, and the terms which he has made use of so modest, and so expressive, that I think myself following his advice when I second him, and believe that I cannot more promote the efficacy of our counsels, and the advancement of the public happiness, than by declaring that, in my opinion, every particular head of this Address is such, as, in the present state of affairs, may be most reasonably expected from us.

The dangerous situation of our allies, and the unexpected defeat of our schemes, when the execution of them seemed to be at hand, the implacable malice, and the restless ambition of our enemies, the art with which they form their designs, and the vigour with which they put them in execution, are too well known to us to be mentioned for any other purpose, than to rouse us to a resolute resistance, to awaken our diligence, and unite our interests, and animate us to labour with all our force, to repress that unextinguishable desire of boundless sovereignty which has so long enflamed the House of Bourbon, and which now threatens the ruin of liberty, and the oppression of mankind.

Proportioned to the art, has been the success of their projects, which have hitherto proceeded with no other interruption, than in attempts of such extent are always to be expected; and the advantages which the valour of our allies had gained, are now in danger of being lost by fatal negociations, which have raised unsuspected adversaries, and, if not prevented, at least, retarded the conquests which the beginning of the year had encouraged us to hope.

But as we have more difficulties to surmount, we ought with more diligence to apply our thoughts to the means by which we may retrieve our losses, and recover our prospects of success; and as nothing can more contribute to power than union, I hope we shall this day shew how little time we intend to waste in useless controversies, by agreeing to the Address which has been now proposed.

The Commons' Address of Thanks.] The motion being carried unanimously, the following Address was agreed upon:

"Most gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your majesty our unfeigned thanks for your majesty's most gracious Speech from the throne.

"It is with the deepest concern we reflect upon what has happened, during the last summer, to the disadvantage of the common cause; and, as we cannot but be extremely apprehensive of the consequences of these events, we assure your majesty, that we will not only give the greatest attention to them, but exert our utmost endeavours to prevent or remove the ill effects of them.

"We cannot sufficiently applaud the constancy and resolution of the queen of Hungary under so many severe trials; nor can we less admire the magnanimity and firmness of the king of Sardinia, whose excellent conduct, supported by your majesty's assistance, has obstructed and defeated the ambitious designs of the House of Bourbon in Italy.

"Your faithful Commons, with hearts full of duty and gratitude, acknowledge your majesty's prudent and tender regard to the condition of your subjects, as well as your continued endeavours to concert and stipulate with your allies, particularly the States General, whose interests are inseparably connected with those of Great Britain, the proportion of forces and expence to be borne by the respective confederates in this war: and we beg leave to assure your majesty, that we will, to the utmost of our power, assist and support your majesty in carrying on this just and necessary war against the enemies of these kingdoms, and the disturbers of Europe, till a safe and honourable peace shall be obtained.

"And, as your majesty has been graciously pleased to lay before your parliament your royal views and intentions, your majesty may depend upon your faithful Commons for their ready and cheerful assistance to maintain the honour and dignity

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of your crown, effectually to support your allies, and to contribute whatever shall be found necessary or expedient to bring about, with honour, a just and reasonable settlement of the present embroiled state of Europe."

The King's Answer.] To which Address the King gave this Answer:

"Gentlemen;

"I thank you for this loyal and affectionate Address.

"Your unanimity, on this occasion, cannot fail of having great weight both at home and abroad: you may be assured whatever supplies you shall find necessary to grant, shall be managed with the utmost œconomy, and applied to the support of my allies, and of the true interests of my people."

Debate in the Commons on a Motion for double taxing Places and Pensions.] Dec. 8. Mr. Fane reported from the Committee of Ways and Means, the following Resolution: "That towards raising the supply granted to his majesty, 4*s.* in the pound be raised in the year 1745, upon lands, tenements, hereditaments, pensions, offices, and personal estates, in that part of Great Britain called England, Wales, and the town of Berwick upon Tweed; and that a proportionable cess, according to the 9th article of the Treaty of Union, be laid upon that part of Great Britain called Scotland." Which Resolution was agreed to by the House, and a Bill was ordered to be brought in, pursuant thereto. But in the committee, the day before, the motion on the question for the said Resolution occasioned the following debate.*

Mr. *Henry Archer:*

Sir; there is a short but material Amendment, which, I think, should be made to this question: it is so adapted to the necessities of the present times, and so much for the honour of the committee, that I am satisfied, it will be agreeable to you, and to every other gentleman here.

We are now so happy as to enjoy a most profound calm, without the least ruffle of wind or weather: all opposition lies hushed;† but lest a storm should soon arise, I am for making use of this happy juncture, this favourable opportunity of proving to the world, that this extraordinary unanimity does not proceed from any selfish views or expectations, but from a true disinterested public spirit; and if the Amendment which I shall beg leave to offer, should pass with the same unanimity as all other questions have hitherto done, it will be a proof of it beyond contradiction.

Sir, what I propose, is, to lay a double tax upon Places and Pensions, in ease of the landed interest of this kingdom; and who is there in this committee that can have any reasonable objection against it?

As for the gentlemen in place, they cannot but be sensible, what an uncertain precarious situation they are now in; that they hold their places by the weakest of all tenures, by nothing but the smiles of a great man, which are more fickle and inconstant than the smiles of fortune: perhaps, it may soon be proper for some of them to follow the example of a noble earl, and resign; therefore it cannot be worth their while to oppose it: besides, it may be some consolation to them, that their landed estates will receive some benefit from those places, which they themselves are so likely to lose: it is impossible therefore that any objection can come from them.

As for the gentlemen who are to succeed them, (if they are the same as I have heard mentioned) they are persons of such exalted notions of honour and patriotism, that you could not put a higher affront upon them than to imagine, that the sordid lucre of the place has any share in their thoughts. No, Sir, their patriotism, like virtue, is its own reward, and the only one they desire; therefore, it is equally certain, they will not oppose it. And as for the great man who has the disposal of these places, it will be doing him a very signal piece of service; for by lessening the value of places, you will lessen the number of candidates, and so far take off from that immense trouble and fatigue, which he is forced daily, nay hourly, to undergo, from innumerable solicitations, visits, letters, messages, and importunities; and besides this, it will be a great honour to his administration, not to stand in need of the

* Taken partly from the London and partly from the Gentleman's Magazine.

† "December 14, 1744, O. S. When the ministry here will be settled, God knows; there is such a calm in appearance, then the business in parliament goes on, in a manner, without a House. This suspension of arms there, does certainly import a negociation; but the treaty advances slowly: the full powers are not signed, and the ratification of the preliminaries are settled with mutual difficulties and delays.

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mean assistance of places to support it. Those gentlemen, therefore, who have any regard for his ease, or his honour, must all espouse this motion.

As for the rest of the House, they are country gentlemen, who feel too much the weight and burden of this tax upon their lands, not to wish for some relief; it is

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However, this stagnation of government, for that is the case at present, so destructive to the foreign and domestic affairs, cannot last long; in the mean time the French are taking winter-quarters, &c. It will be impossible to get a good peace, without shewing France you are in a condition to make war."

"Cockpit, Dec. 21, 1744, O.S. The removal of the great man here, has, I am told, not been very disagreeable where you are. His parts and eloquence were indeed very great; but his own vanity, and contempt of his fellow servants, without, at the same time, having any plan to carry on a war, which he loudly cried out for, and publicly professed to do at any rate or expence, though ever so extravagant, (persuading himself that gaining the good will in the closet would be an invincible support,) without the least regard to parliament, persons, or things without doors, were the greatest indication of madness, folly, or something worse, that ever possessed the weakest of men.

"Since his removal from place, but not from royal affection, there has indeed been a great calm in the assembly most liable to storms, in order to give time for negociating a coalition with the opposition of different connections, a strange motley system, but made in a manner necessary; and puts me in mind of the case of the House of Austria, who formerly supported herself with a steady, firm, and well disciplined body of regular troops; but in the beginning of this war, for want of that support, has been obliged to take to her aid pandours, croates, and insurgents.

"If this coalition takes place, few people will wonder how those that are removed came to be turned out; but most will be interested to see what successors they are like to have. But last night I was told, that the terms of the accessors are so high and extravagant, that the accession is like to fail. If this proves the case, we shall be again at sea, and find more tempestuous weather in Westminster than has sprung up a great while. God preserve the vessel; for she is like to be adrift; exposed to greater domestic storms than ever, without proper persons to hand the sails or steer the helm."

"Cockpit, Dec. 28, 1744. You will have had from the office an account of the alterations: the various motions and different terms in making them are too voluminous for a letter, and I don't pretend to be so much in the secret as to give a just account of them; but the state of the case in general is, I think, as follows:

"The great ascendant lord Granville had got in the closet, and the great contempt with which he treated all his fellow servants, in neither concerting nor communicating any measures to them, made them take a resolution, one and all, except lord Cholmondeley, not to act with him any longer. His lordship, not being able to form a party to himself, (having been absolutely rejected by the opponent patriots,) nor to shew the king how he should be able to carry on the business at this exigency without the other great men in place, laid his majesty under the necessity of removing lord Granville, and at the same time the rest of the ministers under the necessity of negociating with what is called the Broad Bottom, that is, the remaining patriots in opposition with some Tories. It is said several Tories, knights of the shires, were offered places by the mediation of lord Gower; but that, serving for Jacobite counties, they could not hazard a new election; and therefore declined the acceptance of them, of which they have since made a merit with their party in having refused to come in. This made room for more of the patriot kind. But the great Mr. Pitt having insisted upon being secretary at war, and the king not agreeing to remove sir William Yonge, he declined taking any thing; but it is said has promised to support their measures. Whether the desire of making a still greater and more popular figure in the House will not tempt him to break his word, time must shew.

"In short, few are displeased at those that were removed, and as few are pleased with those that are to come in their rooms. The Whigs grumble that there are so many new faces; and the Tories grumble that there are no more of their sort; and yet I don't doubt but this session will go on quietly enough, so far as relates to foreign affairs. The Whigs will be persuaded to support the whole machine, for fear of something worse, and the Tories, having in a manner no head, will I think at least slacken their opposition, or be absent, on account of some distant hopes, in which they may, at least I hope they may, be disappointed. * * * * *

"Lord Chesterfield, I suppose you will have heard before this time, takes a turn to Holland before he goes to Ireland, that he may bring the Dutch to a greater proportion of efforts, or have from them sufficient reasons for not doing so. I dare say he will not be able to do more than you could do; but it may not be amiss that he should be charged with the load of justifying their not doing it. I wish, when our old friends compliment him on coming into administration, they would civilly make him feel their surprise at his having been so long in the opposition; for he had been very industrious, while he was in it, to say that our family had no credit with the Dutch."—Horace Walpole to Mr. Trevor. See Coxe's Memoirs of Lord Walpole, vol. 2, p. 108.

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therefore fairly to be concluded, that neither they, nor any other gentlemen in the committee can disapprove of this Amendment.

But, Sir, if all these reasons, strong as they are, more particularly at this juncture, were laid out of the case, the thing is so evidently right and just in itself, that it cannot be opposed. Sir, it is a fundamental rule of justice as well as policy, that all taxes, for the support of the government, should be laid with equality; and how can it be pretended, that 4*s.* in the pound upon land, and no more upon places, is an equal tax? The land is taxed in proportion to the rent, which is generally the full value; (every body being desirous to let their estates for as much as they can get.) The place is taxed in proportion to the salary, which is seldom a quarter part of it, the fees and perquisites generally amounting to five or six times as much. The rent is subject to deductions for repairs, and losses by tenants; the salary is subject to neither: nay, the land-owner is sometimes forced to pay the tax for rent, which he does not receive: whereas the placeman never pays it, but upon the receipt of his salary: the land subjects the owner to the expence and trouble of serving many offices, particularly the high sheriff's, grand-jury-man's, and others; the place is so far from being liable to any of them, that it is of itself an indemnification and excuse against all. Then, how can it be said, that this is acting fairly and impartially? It is therefore high time for us to rectify this unequal oppressive method of taxation; and if you lay 8*s.* in the pound upon places and pensions, it is very obvious how many advantages will flow from it.

1st. It will, in some measure, operate as a Place-Bill; for by lessening the value of the places, it will lessen that undue influence which is supposed to arise from them.

2dly. It will corroborate and strengthen that favourite law, the Qualification Act; for if it is necessary that the members of this House should have an estate in land to a certain value, the less charge you lay upon their land, the more likely they will be to fulfil and answer the intent of that good law.

3dly. It will, in like manner, fortify the laws of elections; for if every freeholder is required to have 40*s.* a year, to intitle him to a vote, do not take away a fifth part of it from him, by a tax of 4*s.* in the pound upon the land, but rather lay it upon places and pensions. In short, Sir, almost all the good laws, made for the freedom and independency of parliament, will be in some measure assisted by this Amendment.

But I do agree, that some places are of too small value to admit of a double tax, as the excise officers, and others of 50*l.* a year and under: but they might easily be provided for out of the contingencies of the year; and a few other places are of too great importance and service to the state, to undergo any diminution, I mean the Judges, upon whom I am so far from laying a double tax, that I would rather except them from all taxes whatsoever; for I think it a great dishonour and reproach to any government, not to support their magistrates with splendor and dignity; and if any other exceptions should be thought proper, they might all be provided for in the body of the Bill. But upon places in general, a double tax is the true and just proportion to be observed; and that you may be fully satisfied, that this Amendment is not only founded upon reason, but also upon precedent, I shall beg leave to refer you to an act of parliament, made in the 29th and 30th year of king Charles the 2nd, when for carrying on the war vigorously against France, 1*s.* in the pound was laid upon personal estates, 2*s.* upon places, and 3*s.* upon pensions; and it is amazing to me, how so wise and useful a law is come to be so much neglected.

Perhaps, Sir, some gentlemen might think it better to appropriate a greater share of the profits of places and pensions to the service of the war, which I am far from disapproving of; and, indeed, I have heard, they have already done so in Spain and Turkey; but at present I chuse rather to move it in this unexceptionable way, to avoid all dispute, and to preserve that unanimity which has hitherto so happily subsisted amongst us. The Amendment, therefore, that I beg leave to offer, is, to insert in the question, after the 4*s.* in the pound upon lands, &c. these words, "And the sum of eight shillings in the pound upon places and pensions."

Sir *William Yonge*:

Sir; though I have a very great esteem for the hon. gentleman who made this motion, and a great regard for what he declares to be his opinion, I cannot approve of what he has now proposed; and

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I must observe, that if he had been himself possessed of a good pension or lucrative employment, the proposition would have come from him with a much better grace, and, I believe, with more weight. But if he had ever enjoyed any place in the government, he would have found it attended with so much trouble and expence, that, I am persuaded, he would never have made you such a motion; because he would have been convinced, that those who enjoy such places, very well deserve the salaries and perquisites annexed to them, especially when we consider the great risk that must be run by those, who, in consequence of their place, have any thing to do with public money.

But supposing, Sir, that the salaries and perquisites of some of our public employments amount to more than the duty deserves, would that be a reason for taking near a moiety away from those who have no more than they deserve? Surely, Sir, if there is any such abuse in our government, what is now proposed would not be the proper method for rectifying it. The proper method would be, to appoint a committee to enquire into the profits and business of every office, and to make a law for diminishing the profits, wherever they were found to be more than the business deserved. This would be the proper method for rectifying the abuse; and if I thought that there were any such abuse, and that it was so general as to deserve the notice of parliament, I should myself move for our appointing a committee to make such an enquiry: but when a man has no more than barely what is sufficient for supporting him and his family, and for rewarding him for the service he does the public, it would be cruel, as well as unjust, to take near one moiety from him, by subjecting him to a heavier tax than any other man in the kingdom; and it might be attended with consequences of a very dangerous nature to the public service.

Before men enter into the public service, Sir, they or their friends consider the profits they may make by the office they enter into, and they examine whether those profits may be sufficient for supporting them according to their education and character in life; but if this motion should be agreed to, it would not only greatly diminish the profits of all our public offices, but it would render it impossible for any man to determine, with certainty, what he might expect by entering into the public service; for if once the spirit of doubling taxes upon such men should enter this House, no man can tell how far it may go: probably it would not stop at the land tax; and the consequence of this would be, that no man of a liberal education would ever think of entering into the public service. We should then have none but persons of mean birth, and little or no education, in all our public employments; and if our government were put into such hands, I shall submit to gentlemen's consideration, how they could expect it would be administered.

With regard to officers and placemen, therefore, I hope, Sir, I have shewn, that the double tax now proposed would be not only cruel and unjust, but of dangerous consequence to the public service; and with regard to pensioners, it would be the same. I hope we have now no pensioners in the kingdom, but such as have done some eminent service to the public: we cannot have a great many, because neither his majesty, nor his royal father, had ever any designs but what were for the public service; consequently could grant no pensions but to such as had deserved some reward from the public; and as to the pensions granted by any of their ancestors, most of them are, by this time, extinguished by the death of the persons to whom they were granted. I may, therefore, with some certainty, conclude, that we have at present few or no pensions, but what were granted for some eminent service rendered to the public; and would it not be unjust to annihilate near one moiety of such pensions, by subjecting them to a double tax? In many cases it would be cruel as well as unjust; because the pensioner has nothing else to subsist on, and has no more than is barely sufficient for his subsistence. The officers' widows, for example, and those poor superannuated officers who are now upon half pay: neither of these sets of people have any more than is barely sufficient for their subsistence, and are now too old to think of getting a subsistence, or an addition to their subsistence, by any sort of business; would it not be cruel to reduce both these sets of people to a state of starving? In this case, likewise, the double tax proposed would be of great prejudice to the public; because it would discourage men from undertaking or performing any notable piece of service to the public: they could not expect to get any great reward in ready money; and after this

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precedent, they could not depend upon the continuance of any pension the public might, in gratitude, settle upon them. In short, Sir, it would be, in my opinion, making a mere child of the public, by making it take back, what it had before in gratitude given; and when the gratitude is well founded, a resumption of the reward must be allowed to be an act of injustice as well as levity.

I come now, Sir, to consider the benefits that may accrue to the public, or to the landed interest, by what is now proposed. As to the landed interest, the hon. gentleman does not so much as propose any relief to them, or any benefit but what they are to have in common with the rest of the subjects. They are still to remain liable to pay 4*s.* in the pound upon their land estates, and will, consequently, have no other benefit than what may accrue to the people in general by an increase of the public revenue, which will be very inconsiderable, if you except, from this double tax, all those small salaries and pensions, which in compassion you ought to except, as well as those greater salaries and pensions, which you cannot, in common justice, diminish. Therefore, if there are any landed gentlemen now in place, who expect to be soon removed, the benefit their landed estates may receive by this proposition can be no consolation to them, nor any inducement for agreeing to this motion; and as to the gentlemen that may expect to succeed them, their patriotism, let it be never so great, can have but very little effect in prompting them to agree to it; because, if it was agreed to, in as great an extent as is consistent with compassion and justice, the public could receive but very little benefit from it; and, surely, that must be a mistaken sort of patriotism that prompts men to do what is inconsistent either with compassion or justice.

With regard to the public, Sir, I can suggest to myself no one advantage that will accrue to it from this double tax, but an increase of revenue; and that, allowing the exceptions I have mentioned, will be so inconsiderable as not to be worth notice; for as to all the other advantages, mentioned by the hon. gentleman, they are beyond my comprehension. If a place or pension be supposed to have any influence upon any gentleman as to his way of voting at elections, or in parliament, we must suppose such gentleman to have no honour or conscience; and to a man of that character, who sets his vote up to sale, the largeness or smallness of the price is of very little signification; because he will certainly sell if he finds a buyer, and if he cannot get a large price, he will take a small one. Upon such a man, a place or pension, with a double tax upon it, will have as much influence, as the same place or pension with a single tax had before upon him; because, should this proposition be passed into a law, he can expect no place or pension that has not a double tax upon it; and when he can expect no better, he must, and will sell at the price that is offered.

As little can I comprehend, Sir, what effect this proposition, if passed into a law, could have upon the Qualification Act. Suppose a gentleman of 300*l.* or 600*l.* a year, without any tax upon it, is more likely to answer the intent of that law, than when he is liable to a land-tax of 4*s.* in the pound, yet this proposition could make no difference, because it is not thereby intended to diminish the tax upon land estates. But I cannot suppose, that the charge upon a gentleman's land estate, as long as you leave him sufficient for driving necessity from his door, will make him more or less likely to answer the intent of that law, which was, I suppose, to secure the freedom and independency of the members of this House; because, when a man is above necessity, his freedom and independency does not depend upon his estate, but upon his personal character. If he be an avaricious, luxurious, or extravagant man, no estate can secure his independency against the influence of money, bribes, or lucrative employments; and if he be of a generous spirit, under the government of prudence and œconomy, nothing but necessity can expose him to the influence of bribes or places, which no man can be under that is possessed of a land estate of 300*l.* a year over and above all incumbrances, even when that estate is loaded with a land-tax of 4*s.* in the pound.

In this light therefore, Sir, the proposition now made to us can be of no service to the public; and as to the laws of elections, it cannot have the least effect upon any of them, for the reason I have before mentioned, because it is not thereby proposed to diminish the charge upon land estates: if any such diminution were really proposed, it could no way fortify the laws of elections; for I know of no law that requires an elector to have an estate sufficient for his support. With regard to

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counties, indeed, a man must have a freehold of 40*s.* a year to entitle him to vote for knights of the shire; and when this law was first made, 40*s.* a year was perhaps sufficient for a man's support; but, I am sure, it is far from being so at this day: he must have some other support, which is not subject to the land-tax; and if he has otherwise a sufficient support, the freedom of his vote, as in the former case, does not depend upon the value of his income, but upon his personal character.

This proposition therefore can be attended with no one advantage to the public, but that of an increase of its revenue; and if you make the exceptions which compassion and justice require, this increase will be so small, that it is not worth the notice either of the landed gentlemen, or of any other set of men in the kingdom; for I have shewn, that the landed gentlemen can receive no benefit from it, but what is in common with the rest of their fellow-subjects. Thus, Sir, you will, by agreeing to this proposition, run the risk of doing great mischief to the public service, without a prospect of procuring any advantage to the public, or any relief to the landed gentlemen.

I shall readily admit, Sir, that landed gentlemen are subject to many casualties and inconveniences, which placemen and pensioners are free from; but yet I cannot admit of the inequality complained of, or of its being unfair or partial to lay no higher tax upon salaries and pensions than upon the income of land estates; for, in the first place, we all know, that very few land estates are assessed at their full value; and, in the next place, we ought to consider, that most of our landed gentlemen came freely, and without any charge, risk or trouble, to the possession of their land estates, and continue as freely in the possession; whereas salaries and pensions are assessed at their full value; and no man can come at the possession, or enjoy the possession of any of them, without great trouble and expence; for as to the perquisites of any office, they are the price of a man's labour, and you may as well propose to subject the fees of a lawyer, physician, or divine, or the wages of journeymen to the land-tax, as to subject the perquisites of any office to that tax.

What may have been lately done in Spain or Turkey, Sir, I do not pretend to know, nor shall I give myself much trouble about enquiring, because, I hope, nothing that is done, in either of these countries, will ever be admitted as a rule for our conduct: and as little do I think, that we ought to be fond of following the precedents laid down in the reign of king Charles the 2nd; for there were several arbitrary things done in that reign, among which I must look upon the tax mentioned by the hon. gentleman as one. If an officer has a greater salary than the duty of his office can deserve, or if a pensioner has a greater pension than his services ever deserved, such salaries and pensions ought, as I said before, upon a proper enquiry, to be reduced; for it is ridiculous, first to give a greater salary or pension than we ought, and then to take away a great part of it by an extraordinary tax: whereas, if the salary or pension be no greater than the person possessed of it deserves, it would be unjust, I think, to subject him to any heavier tax than the rest of his fellow subjects. In the former of these lights the proposition now before us must, I think, be allowed to be absurd, and in the latter it must certainly be unjust; consequently, view it in which light you will, it is a proposition we ought not to agree to, and therefore, I hope, the hon. gentleman will excuse my giving my negative to his motion.

Mr. *Robert Vyner:*

Sir; though the hon. gentleman who made this motion is not possessed of any lucrative place or employment in our government, yet we must allow that there is a good deal of self-denial in his motion, because, if preferment depends upon true merit, and not upon a slavish compliance with ministers, he has as good a title to it as any gentleman in this House, and consequently might expect that his motion, if agreed to, would very soon affect himself. But if this proposition would have come with more grace and more weight from him, had he been possessed of a place, surely an opposition to it can neither come with weight nor grace from a gentleman, who, at the time of his speaking, is known to be possessed of a very lucrative employment. I confess I was surprised, when I saw the hon. gentleman rise up, because I could not expect that he was to speak in favour of the motion; and his being so personally concerned, ought, in my opinion, to have prevented his speaking against it. We cannot, it is true, exclude any gentleman from giving his vote upon this question, though we know him to be very deeply concerned in the fate of it; but what we cannot do by

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the rules of this House, he ought himself to do by the rules of decency, and therefore I expected, that all those gentlemen who are known to be possessed of lucrative places or employments, would have withdrawn, and avoided either to speak or vote upon this motion; for if we had any Roman Catholic gentlemen in this House, and the question before us were, to subject them to a double land-tax, I should not think it very decent for any of them to vote, much less to speak upon the occasion, because he could not be supposed to judge, vote, or speak without prejudice.

I do not wonder, Sir, to hear a placeman affirming, that our public employments are attended with vast trouble and expence, and that the salaries and perquisites belonging to them are no more than they deserve; but most other gentlemen in the kingdom are convinced, that few or none of our public employments are attended with any expence, and that the business in every one of them might be performed for much less than it is at present: for as to the expence, we all know, that every shilling of it is, in most of our public offices, defrayed by the public: the officers are not obliged to furnish themselves with so much as pens, ink, and paper, out of their salaries, but have these, and many other articles, provided for them at the public charge. And as to the business, it is well known, that in all our offices, those who do the most business have the smallest salaries: nay, in many of our public posts, the man who has the place with the salary annexed to it, gets a deputy to do the business for perhaps a tenth part of the salary; and sometimes the deputy has no part of the salary, but the perquisites only, or, perhaps, but a share of them.

These being facts notoriously known, I shall very readily agree with the hon. gentleman, that a strict parliamentary enquiry into all our public posts and offices, is very necessary, and might be of great service to the nation. If such an enquiry were strictly and impartially carried through, we might not only reduce the salaries and perquisites of most of the officers and placemen in the kingdom, but a vast number of useless officers and placemen might be laid aside, and several of the officers that have been of late years erected, might be entirely abolished; which would not only be a great saving to the public, but a great security to the liberties of the people. But such an enquiry, Sir, I despair of ever seeing set on foot, and much more of ever seeing carried on with effect; therefore, since we cannot remove the evil, I am for making the most we can of it, by subjecting all salaries and pensions to a double tax; nor am I in the least afraid of doing injustice to any placeman, by not leaving him a sufficient compensation for all the business he does for the public; for in all our offices there is so little business done, or such a number of persons employed, that one moiety of the salary, and in many cases much less than a moiety would be sufficient reward for all the business they do.

With regard to officers or placemen therefore, Sir, I am not in the least afraid of doing any injustice by diminishing their salaries; and with regard to pensioners, I am so far from being afraid of doing them injustice, that as to most of them, I believe, if we stript them entirely of their pensions, we should do a piece of signal service as well as justice to the public; for I have a strong suspicion, that most of the pensions that have been granted of late years, were granted for what ought rather to be called ministerial than public service. I am far from supposing, that either his present majesty, or his royal father, had ever any designs that were inconsistent with the public interest; but I will not say so much for the ministers of either. My behaviour in this House, ever since I had the honour to sit here, is a proof that, in my way of thinking, the ministers of the former reign, as well as the present, had many designs that were inconsistent with the interest of their country; and as most, if not all pensions from the crown, are granted at the request and upon the recommendation of ministers, it is highly probable, that their recommendation generally went in favour of those who promoted their pernicious designs, because such designs always meet with the greatest opposition, and therefore ministers are under the greatest necessity to promise and give rewards to those that were instrumental in promoting them.

From this consideration, Sir, I think I have reason to conclude, that if the merit of our pensioners were fairly and impartially enquired into, it would be found, that most of them deserve punishment rather than reward. There may be some of them that deserve well of their country, but I am convinced, that the number of such pensioners does not amount to that which would have saved Sodom and Gomorrah: and therefore we have the highest

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authority for not sparing the guilty for the sake of the few innocent. I say guilty, Sir; for I think every man that takes or accepts of public money, without having done, or being able to do some service to the public, is a plunderer of the public, and consequently a public criminal. As to such pensioners, they ought certainly in justice to the public, to be stript of their pensions; and since we cannot, in the present age, propose to do this justice to the public, the least we can do, is to subject them to a double tax. If we have any pensioners of real merit, which I much doubt of, at least as to all such whose pensions do not proceed from some public regulation, they will have this comfort, that by their sufferings, their country will meet with a very great relief, which must be a comfort to every one that wishes well to his country, and will be an excuse for our agreeing to a regulation by which some innocent persons may suffer.

It is really diverting, Sir, to observe how the compassion of our ministers breaks forth upon this occasion. It would be barbarous, it would be cruel, say they, to subject poor superannuated officers, and the widows of poor deceased officers, to a double tax. I wish those gentlemen would extend their compassion to their country: if they did, they would manage the public money with more œconomy, and avoid embarking in broils with which their country has very little to do. I wish, likewise, they would extend their compassion to our poor land-holders: there are few of those who are upon this occasion the objects of their compassion that have not above 20*l.* a year: how many land-holders have we in this kingdom, that are not possessed of 20*l.* a year in land? And yet I never heard a minister talk of compassion, when he was proposing to subject them to a heavy land-tax.

But, Sir, the hon. gentleman who made you this proposition, took care to obviate this objection. He told you, that some places, and, from a parity of reason, some pensions, are of too small value to admit of a double tax, and therefore ought to be excepted, or otherwise provided for. He proposed all places of 50*l.* a year and under; but even that I think would be going too far with the exception. I should go no higher than 30*l.* a year; because you would then leave your officer or pensioner above 18*l.* a year; and upon 18*l.* a year, a single man may support himself in any country place in England: if he has a wife and family, they may engage in some business, and assist in supporting themselves: the officers employed here about London may have a little addition made to their salaries; and all pensioners may retire to the country. Therefore, if you should subject to the tax proposed all salaries and pensions of above 30*l.* a year, no person could thereby be brought into any distress. It would only oblige them to curtail a little their expence of living; and this, in time of war, every man ought to do, that he may be the more able to contribute to the expence of the war.

As to the objection, Sir, that such a tax would discourage men of good circumstances and education from entering into the public service, I am not under the least apprehension of such a consequence. With regard to men of good circumstances, I do not desire to invite them into the public service by any lucrative motive; on the contrary, I wish it were established as a general rule, that no man should have any support from the public, who had sufficient wherewithal to support himself. Ambition and public spirit would then be the only motives for a rich man's entering into the public service. These alone would, I hope, furnish us with rich men enough to execute all the high offices in our government, without any expence to the public; and it would very much contribute to root out that selfish, mercenary spirit, which now so generally prevails among all ranks of men. The customs and sentiments of a people always depend upon the customs and sentiments of the rich and great families amongst them: if the rich and great are selfish and mercenary, the same spirit will soon prevail generally among the people. Prevent its being in the power of the rich and great to be selfish and mercenary, they will soon begin to be actuated by nothing but motives of ambition, and the desire of public esteem; and from them the same spirit will diffuse itself through the whole body of the people. The monstrous salaries that have been of late years annexed to all the high offices in our government, and granted, without distinction, to the rich as well as poor, have raised such a selfish spirit among the people, that a man is now reckoned a fool or a madman, if he gives himself any trouble about serving his country, without some pecuniary reward. Diminish those salaries, Sir, and grant them to none but such as stand in need of them for their support, or for support-

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ing the dignity of their office, and you will put it out of the power of the rich to be governed by pecuniary motives: among them the motives of ambition and public esteem will soon resume their proper seat, and a generous desire to serve one's country, without any pecuniary reward, will from them diffuse itself through the whole body of the people, insomuch that it may very soon become scandalous to desire any of the public money, if a man can serve his country and support himself without it.

I know, Sir, it may be said, that unless you grant such salaries as may be a temptation to men of fortune to serve the public, no man of fortune will ever enter into the public service. This I take to be a very severe satire upon our men of fortune: it is supposing, that they are governed by nothing but sordid and mean pecuniary considerations: that they have no regard for their country, nor will do it any service, unless they can thereby supply their luxury, or satisfy their avarice. But I have not so bad an opinion of our men of fortune, or the men of fortune in any country. Put pecuniary considerations out of the way, and more generous motives will take their place: nay, many men of fortune would engage in the public service, if it were for nothing else but to have something to do; for a state of mere idleness is of all others the most irksome, which we may be convinced of by observing the many inventions of men for preventing their being in such a state. Many other motives would engage them in the public service, and even in that service, which, of all others, is the most dangerous and toilsome: I mean the army, which in time of war must be allowed to be so. This we may be convinced of from what is now the case in France: the pay of the officers of their army is so small, that it can be a temptation to no man of fortune; and the colonel of a regiment must always, in that service, be at a much greater expence than his pay will answer; yet there is hardly a man of fortune, in that country, who is not, or has not been in the army, unless it be such as have been bred to the law. The case would soon be the same in this country, Sir, if pecuniary temptations were once removed, or very much diminished; and besides the public saving, it would contribute not a little towards putting an end to the luxury and extravagance that now prevail among our quality and chief gentlemen; for among men of fortune, the public money, like money got by gaming, is generally spent in luxury and extravagance: I may say it is always so, except when it falls into the hands of some covetous, avaricious, creature, and then it contributes, perhaps, to enrich a family, that was before richer than is consistent with the happiness and constitution of this kingdom; for it is our business to have many rich families amongst us, but none too rich; and, I am sure, it is not the business of any state to contribute, at the public expence, towards the supply of luxury, or the satisfaction of avarice, neither of which can ever be fully supplied or satisfied: neither will ever say he has enough: to a luxurious man, the more you give, the more methods of expence he will always invent; and money to an avaricious man, is like water to a dropsical, the more you give, the more he will desire.

If our public salaries were reduced, Sir, and applied only to the support of those who could not support themselves, it would be attended with another consequence, which we have now some reason to take into our consideration; I mean, that of preventing cowards from getting into our army or navy; for if a man had no support but what he was to get from the public, he would never think of getting into our army or navy, if he were conscious of any thing cowardly in his nature; and no man of fortune would then ever think of going into our army or navy, but such as were actuated by ambition, who very rarely are found to be cowards; and if they were, or afterwards found themselves to be so, they could not expect to satisfy their ambition, by serving in the army or navy; therefore they would resolve to serve their country in some other capacity; for there are many ways by which a gentleman may serve his country, and acquire great esteem, beside that of fighting its battles. Whereas at present, Sir, the pay and the perquisites of the superior officers, both of our army and navy, are so considerable, that they are a bait for luxury as well as avarice; and as they are given indiscriminately to the rich and poor, gentlemen of fortune often enter into the sea or land service, not from motives of ambition, but from a desire to supply their luxury, or satisfy their avarice; and from such men the country can expect no faithful service, except when there is a prospect of some additional gain in view.

But now, Sir, suppose, that upon your withdrawing or lessening the pecuniary

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temptation, all men of fortune or good circumstances should give over having any thoughts of entering into the public service; would this be attended with any bad consequence to the service? Might not the public, nevertheless, find many gentlemen of a liberal education, and every way qualified for serving it? How many gentlemen have we in England, who are able to give their younger sons a liberal and complete education, and yet are not able to provide them with fortunes sufficient for their support? If the expence must be the same, what signifies it to the public, whether it be served by the eldest or the younger son of a nobleman's or gentleman's family? I should rather chuse to have it served by the younger son; because by employing him, you provide for the support of a gentleman who could not otherwise support himself; whereas by employing the eldest, you only add to his luxury, or increase his avarice. Let us take a view of the several offices under our government, and then consider whether it would not be worth the while of a gentleman's younger son of a liberal education, to enter into any one of them, even suppose they were all subjected to the tax now proposed. The lowest places in our public offices, as well as the lower commissions in our army and navy, would not, it is true, be much worth a gentleman's while, if he were never to expect any advancement; but the higher places and commissions have such salaries annexed to them, as would, notwithstanding this tax, be worth the while of any such gentleman to aim at; and as such gentlemen would gradually and regularly advance from the lower to the higher places, if they were not often elbowed out of their road by gentlemen of fortune encroaching upon them, it would be well worth the while of a young gentleman of good education, and no fortune, to commence an under clerk in one of our public offices, a cadet in our army, or a midshipman in our navy.

I am therefore, Sir, not at all afraid, that upon this regulation taking place, the public would be ill served or worse than it is now. On the contrary, I think, none of our public officers should have such salaries or perquisites, as may be a pecuniary temptation for any man of fortune to accept of it: the great difficulty in all societies is, to contrive methods by which persons of a genteel education and no fortune can support themselves: the Turks are so sensible of this, that by their laws every man must be bred up to some mechanical employment; and as we have no such law in this nation, we ought to take care, that none but such as want it shall be supported at the public expence; therefore, no officer ought to have any greater salary than is barely sufficient for supporting the dignity of his office. When it is more than this, it becomes a bait for some luxurious or avaricious man of fortune, who by our constitution must always have more interest with ministers than a gentleman of no fortune; and by this means poor gentlemen are robbed of their support, that the rich may wallow in luxury, or indulge their avaricious cravings. This, Sir, is too much our case at present: I shall not say, that the grievance will be entirely removed by what is now proposed: I believe, nothing but a law for putting it out of the power of gentlemen of fortune to receive any salary, pay, or other pecuniary reward from the public, can wholly remove or prevent the grievance; but as this law must be made by gentlemen of fortune, and in this country can be made by none but such, I must see a more disinterested spirit prevail in our assemblies than I can observe at present, before I can expect such a law; and since no such law can be now expected, I shall be for taking the next remedy, which I take to be the proposition now before us; because it will bring places in our government to be less coveted by men of fortune than they are at present.

I come next, Sir, to examine, how this regulation may contribute to the security of our happy constitution. There is no maxim in politics more certain, than that it is impossible to preserve a free government in a country where the people are generally actuated by a selfish and mean spirit. The very shadow or appearance of a free government can, in such a country, be preserved no other way but by bribery and corruption; for when no man has a regard for any thing but his own immediate interest, those that cannot find an interest in supporting the government, will certainly oppose it; by this means the country will be rent into factions, and will continue so till some man more lucky, or more subtle than the rest, gets himself established in arbitrary power. He may, perhaps, preserve the shadow of a free government, in order to amuse the thoughtless vulgar: he may have a senate: he may have septennial, triennial, or annual elections; but in order to carry on this

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farce, he must provide himself with means for corrupting the elections as well as the senate: these elections, and this senate, may for some time continue to have the face of freedom: an election or a vote may sometimes be carried against the supreme ruler: nay, he may probably connive at such opposition, in order the better to carry on the farce; but in all material points, both the elections and the senate will be at his devotion; and, at last, it will become criminal to appear as a candidate at an election, or to give a vote in the senate contrary to his direction. This was the case with the ancient Romans: this will be the case of every free people, as soon as they begin to be generally actuated by a mercenary and selfish spirit.

This sort of spirit, therefore, Sir, we ought to guard against with the utmost caution; and when we see it beginning to spread among the people, we ought to enquire strictly into the cause: we ought to remove that cause effectually if it be possible; I believe, no one that hears me will say, that public spirit, and a disinterested regard for our country, is not now at a very low ebb among the people of this kingdom. What is the cause of this, Sir? The cause is plain and evident: the great salaries, and many unlawful, I may say, cruel perquisites, that have been, of late years connived at, or by law or custom annexed to most of the high offices in the kingdom, have introduced this spirit too generally amongst our noble and rich families; and as such families may be called the heart and vitals of the people, the corruption has from thence diffused itself through the whole body. This is the true cause, Sir, and the remedy is as obvious as the disease. The rich and great will have a concern in the government of their country, if they can: you have no occasion to invite them by lucrative temptations: if you do not invite them by such temptations, they will take that concern from motives that are generous and consistent with the public good. Public spirit, and a desire of esteem, will then be their only motives for engaging, or desiring to be engaged in the public service; and when this spirit begins to prevail generally among the rich and great, the people, as they always do, will soon begin to follow their example. As men are naturally fond of power, though attended with no sordid gain, ambition may still cause a contention, who shall serve their country in the highest offices; but that contention will never be so violent as to produce faction, nor can it produce any dangerous opposition to a wise and prudent government; because among a people generally governed by virtue and public spirit, no ambitious man can form a party against such a government; and much less can he form a party for overturning the liberties of his country, because the ambition of one man will always be a check to the ambition of another; for no man, who is actuated by ambition only, will ever consent to give himself an absolute master; but a luxurious or avaricious man may very readily consent to give himself even an absolute master; if he may thereby hope to supply his luxury, or indulge his avarice.

We may thus see, Sir, that a stop must be put to the selfish, mercenary spirit that now prevails among the people, if we have a mind to preserve our liberties; such a law as I have mentioned would certainly be the most effectual method for this purpose: it would operate much more strongly for the preservation of our constitution, than any Place-Bill that can be contrived: the members of this House might then all be placemen without any danger to our constitution; because as we must all be gentlemen of fortune, and consequently could reap no pecuniary advantages from the places we held, they could have no corrupt influence upon our way of voting; for no man who served his country in any place under the government, merely for the honour and satisfaction of serving it, would ever betray his country in parliament for the sake of holding his place in the government. But such a self-denying regulation as this, Sir, we are not in the present age to expect; therefore we must take the next best remedy we can think of; and that, in my opinion, is the proposition now offered to us; because, as I have said before, it will make places in the government less tempting to gentlemen of fortune than they are at present: at least the lucrative temptation will not be so prevalent as it is now; which is the only temptation that can introduce a selfish and mercenary spirit among the rich and great men of the kingdom; and the only temptation that can have a corrupt influence upon the members of this House, or upon those that chuse them.

I shall grant, Sir, that by what is now proposed, no present diminution of the land-tax is intended; but it will certainly make room for a diminution, and may enable us to diminish the land-tax the

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very next session of parliament. The very expectation of a diminution will render landed gentlemen more likely to answer the good intent of the Qualification Act; and if you render posts in the government less desirable than they are at present, it will certainly fortify our laws of elections. Most of those laws were contrived for preventing a corrupt influence at elections, by money, or by promises of places to the electors: if those places are rendered less desirable, will not the promises of them have a less effect upon electors? If you diminish the profits of places, will you not render placemen less able to corrupt, and consequently the electors less liable to be corrupted? These consequences are so evident, Sir, that it is not possible to deny them, however artfully they may be evaded, by mis-stating the argument.

But of all the bold assertions made use of as arguments against this proposition, I was most surprised, Sir, to hear it said, that if we make those exceptions, which justice and compassion require, the additional tax proposed would produce but a mere trifle. I wish it were so, Sir. If it were, our constitution would be in no such danger as it is at present, nor would our ministers have met with such success in parliament, and at elections, as they have done for many years past. But it is well known, and must be confessed by every one who can talk impartially of matters relating to government, that officers and placemen are proportionably more numerous in this country than in any country on earth; and the profits so vastly exceed the service required, that every man is fond of getting a place under the government, because in no sort of business he can make so much for so little service. Justice, therefore, can require of us no exception, but that mentioned by my hon. friend who made you this motion; I mean that of the judges; and no compassion can prompt us to go farther with our exception than to places or pensions of 50*l.* a year and under. These are all the exceptions that either justice or compassion can require of us: and admitting these, I am convinced, the additional tax proposed would produce a very considerable yearly revenue; especially if the commissioners of the land-tax should fall upon a way of subjecting perquisites as well as salaries to this double tax; which, I think, they may easily do, and ought to do; for the perquisites of offices are very different from the fees of lawyers, physicians, or parsons, and still more different from the wages of journeymen. These are the price and the only price they have for their labour or attendance; but the perquisites of officers are not the price of labour or attendance; they have their salaries for the price of their labour and attendance; and their perquisites are the price only of their impudence and imposition, which are commodities, that, I am sure, ought to be taxed as high as any that are produced or imported; and that they may be highly taxed, is one of my chief reasons for approving this motion.

Mr. *Winnington:*

Sir; though I have heard many extravagant proposals in this House, and have, during the years which I have passed in a public character, had sufficient experience of the weakness and danger of schemes which men, otherwise venerable for their integrity, and estimable for their abilities, may be incited to form, by the ardour of opposition, the affectation of singularity, or the lust of popular applause: though I am not unacquainted with the complacence with which every man looks upon his own project, however chimerical in its contrivance, however weak in its foundation, and however pernicious in its consequences, yet the proposal now made is of such a nature, so far even from the appearance of justice, propriety or necessity, and burthened with so many invincible and undeniable objections, that, notwithstanding that familiarity which naturally reconciles the mind to wonders, I can scarcely persuade myself that it has been really made us. I am rather willing to conclude, that I have imperfectly heard, or not sufficiently comprehended it, than to suppose that any gentleman can incline to load the gifts of the crown with double taxes, and embarrass the great offices of national administration by subtracting those salaries which are annexed partly for the honour, but much more for the benefit of the public, not indeed without some design that the officers should be able to support, by their magnificence, the dignity of that mighty nation by which they are employed, but principally that they may, by the greatness of the recompence, be incited to vigilance and industry; and that men of the strongest abilities, and most extensive knowledge, may be engaged in the service of the public, as more lucrative, as well as more honourable, than any other scheme of life.

These, Sir, are the reasons for which,

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in our nation, as in almost all others, large incomes are annexed to high titles, and to important trusts; and for the same reasons for which, by the wisdom of our ancestors, they were originally granted, they ought now to be continued; for I have not yet been so happy as to find that we are so able as our partiality to ourselves would sometimes persuade us, to improve upon the ancient form of government. And if it be considered how frequently attempts of that kind have shamefully miscarried, and how often the most specious and applauded changes have been found to produce disadvantage rather than benefit, we shall begin to distrust our own capacities, how much soever they may have been applauded by those who intended to employ them for their own purposes, and content ourselves to travel quietly onward in the road which our progenitors have beaten, and which from their experience we know to be safe, than comply with every caprice which may prompt us to make excursions, in expectation of better prospects, and smoother paths. We shall be afraid of bold projectors, who would tear up the road in order to mend it, and shall be inclined to suspect that though confusion is not difficult to be produced, yet order is not always re-established with the same facility. We shall learn at length to prefer certainty to experiments, which, at best, can afford only a possibility of improvement, which can never be put in practice without immediate danger, and of which, if they succeed, the advantage will be but small, but if they fail the inconvenience will be great.

Such, Sir, is, in my opinion, the attempt which is now proposed, and which has been recommended with much zeal and spirit and art, but which, I believe, the art of those who support it will not be able to justify, nor their zeal to enforce; a proposal contrary to the general policy of all civilised nations, and which, however it may be decorated with the specious appearance of benevolence and frugality, can terminate, by its natural consequences, only in the general perturbation of the public, and the disorder of the government.

It has always been hitherto thought, and, if this scheme should unhappily be approved, it will from hence be always acknowledged as confirmed by experience, that, in order to secure the state from neglect, and from corruption, it is necessary to provide not only for the wants, but for the ambition of those who serve it. For it is not to be imagined that there will often be found men of so much benevolence, and such ardent patriotism, as that the public should be served, without an adequate reward; nor can it be conceived that men would very frequently dedicate their lives to public business, if it did not afford them very pleasing hopes, and at least promise such affluence and honour as are to be found in no private station.

If revenues of public offices were reduced by a double tax, as is now proposed, or by any other defalcations so much below their present value, as some have wished it, it would not be easy to find men of suitable abilities to undertake them. And it is easy to foresee what must be the fate of that state which should be deserted by all those who were capable to serve it, and of which the ablest minds were unacquainted with its difficulties, its policy, its engagements, and its interests.

That we may judge, Sir, with greater exactness of the desert of those who engage in public business, it is necessary to estimate the difficulty and hazard of the undertaking, for by difficulty and hazard all rewards are to be adjusted. It is not reasonable to expect that a man, who, in prosecution of commerce, exposes his life, will be satisfied with the same profit as a petty retailer, who sits at ease in his shop, without hardship, and without fatigue.

If we consider, Sir, the difficulty of attaining a sufficient knowledge of public affairs, the peculiarity of genius, which is found to be required in him who desires the reputation of a statesman, and the variety of acquisitions with which that genius must be assisted and adorned, it will not be any longer the subject of wonder that such abilities, whenever they are found, are allowed to be entitled to very large rewards, and that every nation has endeavoured to obtain their services by salaries proportioned to the importance of the affairs of which the transaction is entrusted to them.

I know it will be answered by some whose interest incites them to depreciate what they have not attained, and by others, whose vanity represents every thing easy to themselves, that the business of an officer of state is by no means either so difficult or so important as it is sometimes represented; and it may be insinuated that experience sufficiently testifies the facility with which men, not eminent for their superiority of understanding, have been able to

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support the most important trusts which the crown or public have to bestow.

I know, Sir, that on this occasion much malignity may find employment for some gaiety of imagination, and that the characters of those who have been dignified with honour and with trust may be very humorously displayed, that every misapplication of the royal favour may be recollected, and that the debate may be prolonged by specious harangues, and facetious remarks, till the original state of the question shall be forgotten, and the House be wearied without information.

But these observations I hope to stifle, while they are yet struggling for passage, by confessing that places of trust have often, very often been conferred upon those who did not deserve, and who could not discharge them; whose conduct brought disgrace upon themselves, and misery upon their country; whom power exposed only to hatred, on whom wealth glittered only to mark them out for contempt.

But the example of these men will serve to confirm the principles which I have laid down. The disgraces and calamities which have been brought upon this and other nations, by the weakness of their counsellors, afford sufficient proof of the necessity of selecting them with caution and discernment, and shew that those offices are not to be looked upon as of little importance, since as they are well or ill administered, they produce the misery or the happiness of multitudes.

The frequent mistakes of those by whom power and greatness have been bestowed, whether they have been the gifts of princes or of the people, sufficiently shew the difficulty of finding men qualified for such arduous employments. For it cannot be imagined that princes have always been careless of their own honour or security, or that the people did not endeavour to set such men over themselves, as might be most safely trusted with the public happiness, and who had distinguished themselves by their integrity and wisdom. And yet we find that neither the choice of princes, nor of popular assemblies, has often been such as they have not afterwards had reason to repent. We find that they generally advanced such as either wanted understanding to direct their virtue, or virtue to direct their understanding; and the story of every nation affords little more than accounts of the calamities, which a wrong administration of the government has brought upon them, of the treason of some officers, and the luxury of others, of some the indolence, and of others the stupidity.

Thus it appears that the difficulty, as well as the importance of high offices, is shewn by the universal experience of all nations. Their importance is discovered by the good effects of a wise administration; and if it is to be observed more frequently by tracing the miseries and disorders which arise from imprudent conduct, even this will prove their difficulty, since it cannot be supposed that many more did not endeavour after reputation than have been able to obtain it, especially if it be considered that he who fails of satisfying the expectations of either the monarch or the people, not only loses always his honour, but very frequently his life.

I have observed, Sir, and observed not without some astonishment, that those who have estimated the salaries, which may be reasonably annexed to public offices, have always given occasion to a charge either of partiality or negligence, by confining their reflections only to the difficulty or facility of obtaining a competent knowledge of the business to be transacted, without suffering themselves to reflect on what would perhaps first occur to their imagination, if they were themselves about to take possession of a great employment, the danger which necessarily attends every public office, and the calamities into which many have been suddenly precipitated from the highest stations of the government.

Whoever is advanced to a public trust is set aloft to be gazed at, with the envy which always pursues elevation, however just; and his conduct is examined with that acuteness, with which the disappointed and ambitious always search out the faults of those whom they account happier than themselves. Unable, as a man, to live without offence, and, as a man in high place, unable to conceal those faults or infirmities which he has in common with others, he is hunted with incessant clamours for faults, of which perhaps the best of those that harass him are guilty in the same degree; he is painted as a monster, only that he may be hated; he is calumniated, that the public may rejoice at his fall; he is sometimes ruined by crimes aggravated beyond the natural and real degree of their enormity, sometimes by faults to which he was betrayed by passion or imprudence, to which others are equally liable, but by which, in lower conditions

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of life, they can hurt only themselves, and which cannot, in any stations but those of public officers, operate upon transactions of so great importance, and sometimes for petty failings, which, by accident only, produce great evils; he is dragged down from his eminence, hurried into the presence of judges, of whom perhaps every one desires his employment, and every one has therefore endeavoured to propagate his infamy, and proclaim his miscarriages; and after a trial, not necessary to his condemnation, he is driven into exile, or murdered on a scaffold.

Let it not be urged on this occasion, that this dreadful end can be only the consequence of enormous crimes; for if we consult either our reason or our memory, it will easily be found that innocence alone is not a sufficient security against the caprices of a tyrant, or the rage of a faction; and that the danger is often not less to resolute virtue, than to daring villainy. It will be found by every one who will impartially consider the condition of the great, that they are subject to many miseries, from which neither wisdom nor integrity can secure them, and that they are obliged on many occasions to hazard their safety, even when there is no certain method of determining what conduct is most proper.

Among the multitudes whom their misfortunes have made memorable, and who are daily produced as unanswerable proofs of the instability of human greatness; among those who, after having been advanced, flattered and idolized, dazzled with their own pomp, and intoxicated with their own exaltation, after having governed monarchs, and delighted nations, have on a sudden found the summits of honour shaken by storms, and after the reproaches of their enemies, and the treachery of their friends, have been condemned to languish for the remaining part of their days, in the darkness of dungeons, or have been made a spectacle of triumph to that people, whom they a little time before considered as their slaves, it will be found that not all have left their names blackened with more infamy, than those of successful ministers, and that some have been afterwards acknowledged to deserve statues and triumphs for those actions, which, misrepresented or misunderstood, drew the resentment of the public upon them, and their honour has been rescued by time from that malice which destroyed their lives.

Others not less unfortunate, though less celebrated, have died, not for crimes but for infelicity; they have failed in great and honest enterprises, and their failure has drawn misery and disgrace upon their country. The people, who felt the consequences with more certainty than they judged of the cause, were exasperated by their distresses, their clamours menaced the government, and he who was perhaps least guilty, or who was only by accident accessary to the general evil, was given up to appease the people, and died only because he had the misfortune to be born in an age of turbulence and faction.

In times of public distraction, it is very common to mark out the most powerful as the objects of general hatred and terror, and to impute to them not only their own crimes, which are indeed sometimes sufficiently numerous, but those of the whole administration, and to charge upon them every public miscarriage, to whomsoever the design which failed was committed. And when any man has the hard fate to be selected for this end, he finds his rivals and his associates equally dangerous; his rivals promote the charge, that they may by his removal make way for themselves; and his associates, because by accusing his conduct they seem in the eyes of the people to justify their own, and continue to enjoy that favour, which they would lose before him, were not their fortune better than their deserts.

When such is the uncertainty of greatness, and such the danger to which every man is exposed by public employments, surely the immediate advantages ought to be more than are to be expected in any other state. For who would not rather slumber in tranquillity, than endeavour to rise to a station, of which the danger is great if he miscarries, and the advantage little if he succeeds? Who would not rather exert those abilities, which qualify him to direct the policy of nations, to trace out the march of armies, and direct the course of fleets, in some attainments, which might promote his fortune without endangering his life, and labour in some acquisition, of which the profit might be greater, and the envy less?

If it should be thought, Sir, that only those are exposed to such dangers, who have risen to greatness without proportionate capacity, and that they who undertake only what they are qualified to perform, may engage in public employment without danger, yet even then there is

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very little added to the security of a high office. For it is common for every man to flatter himself with the opinion of talents which he does not possess, and of which he cannot always discover the want otherwise than by experience: and that profession may questionless be determined dangerous, for which no man can have known his qualifications but by experience, and which no man can try unsuccessfully without a probability of ruin.

There is indeed no need of granting, that the statesmen who have fallen suddenly from their greatness have fallen for want of abilities, as must surely be allowed by those who have so long and so vehemently lamented the uninterrupted power, continued for many years in the hands of those whose abilities they professed to contemn in the same degree as they detested their tyranny; for if men may support themselves under the load of crimes, and with all the embarrassment of folly, those whose power has been of less duration cannot be supposed to have failed either for want of virtue or abilities.

Such are the discouragements, and such the dangers which attend the discharge of public offices, and which are to be counterbalanced by affluence, and pomp, and honour. These dangers, Sir, no nation has yet found means, or perhaps inclination to take away; and it has been therefore universally thought expedient to hang out to ambition such rewards as may raise its hopes to an equipoise against its fears. Every man who serves the public, acts under the terror of severities not often justly inflicted, and which are always to be feared: they are indeed always to be feared by those who most deserve them; but as they are very often the consequences of misfortune, and sometimes even of virtue, it cannot but be imagined that they must necessarily deter many from the service of the public, who might administer the affairs of the nation with great fidelity and address, and it must surely be allowed that the community suffers no inconsiderable loss, when one man of integrity and abilities is hid in obscurity.

But, Sir, it may be very easily imagined how much more frequent such losses would be, and how much the nation would suffer for want of able and honest ministers, if the fear which the inconstancy of the people, the uncertainty of royal favour, the turbulence of faction, the cruelty of malice, and the precipitancy of opposition must naturally produce in a mind acquainted with past transactions, were they not overbalanced by the hopes of arising to sudden wealth, and of aggrandising posterity.

It cannot be, indeed, denied but these rewards, which were intended to dissipate the fears of the good, may very frequently incite the ambition of the wicked; yet this objection will not prove the impropriety, but only the imperfection of this method of alluring men from privacy and quiet into the dangers and tumults of a public station; it will prove only that human wisdom is not sufficient for the provision of adequate remedies to the various calamities of human life, and that the best measures that can be formed, may be sometimes defeated by perverseness and dishonesty.

It is upon the whole, Sir, evident that the public must be served, and that they who serve it must be paid for their labour, and paid not only in proportion to the time which the duty of their offices requires, which very few would be pleased to spend in attendance and in hurry without ample recompence, but with respect likewise to the dangers to which it has long been known that every man is exposed by high employments. And I believe, when the fatigue and the hazard are rated together, when it is attentively considered by what diligence every man must rise, with what anxiety he must continue in his elevation, and with what precipitancy he may be thrown from it by a torrent of party-violence, it will not be thought that the salaries of our public offices are enjoyed at so cheap a rate, as a transient or envious view may incline us to imagine: it will be found that the affluence and splendor which they bestow, are little more than the decorations of misery; that they glitter like vapours set on fire, and play before our eyes to lead us into danger, and that those who turn away from their lustre, are far more to be envied than those who follow them.

The necessity of annexing large advantages to arduous and laborious and dangerous employments is so apparently necessary, that I should not have expected to have been at any time reduced to the necessity of proving it, of proving what is acknowledged by the universal consent of mankind, and the constant practice of every government through the whole world.

I am, indeed, not much inclined to believe that the honourable gentlemen,

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whose motion I am now endeavouring to defeat, have received any conviction or information from what I have been urging against them; for I cannot but suspect that they see the absurdity of their own scheme, and that they have proposed it only either to make themselves admired for their patriotism and frugality, or to embarrass the public consultations with a question which, however useless, has the appearance of importance, or from motives less culpable, but more trivial, the desire of trying their abilities in the support of an untenable position, and of diverting themselves with the perplexity of the placemen.

I know not, Sir, why they should suspect the present placemen of wanting those arguments in defence of their salaries, which I am confident they would themselves very easily find, if the same places, and the same revenues were in their own hands; for this is a topic on which the dullest have been able to dispute with acuteness, and howsoever a placeman may fail of shewing either sagacity or elocution, he has been always known to exert his parts, when any diminution has been threatened to his salary.

If, therefore, these gentlemen, zealous as they are for the public, were once entrusted with the chief employments of the government, a trust which I do not deny them to deserve, they would immediately discover the propriety of the present establishment, they would find out that large revenues were very justly annexed to public employments, and that it is for the honour of the nation to reward with liberality the virtue of its ministers. They would then be convinced that men rose to high employment only by the resistless force of uncommon merit; they would consider that the government which neglects merit cannot be of long continuance; and they would, therefore, try any other method of supplying the necessities of the public, as more eligible than that which they now recommend, of laying a double tax upon the salaries of public offices.

The tax which they propose, Sir, would not, indeed, be of much benefit to the nation, nor would the sum which it would produce, under the restrictions which they have themselves allowed to be reasonable and necessary, be such as would alleviate any other tax, or be perceived in the general expences of a war; for if the salaries which they propose to tax are only those which can support the officers who possess them, after the deduction of two fifths, they will be found, upon the most exact enquiry, so few as not to deserve the regard of the House, or any change in the established methods of procedure.

With as little reason can the gentlemen propose a tax upon the smaller salaries, which are for the most part scarcely sufficient to support the officers, and which, however burthened, can yield little to the public, or upon pensions, which are few, and usually proportioned according to the services or desert of particular persons, and of which, if they had obtained them themselves, they would think it a great hardship that any part should be taken from them.

To try, however, whether these ardent patriots do, in reality, design the advantage of the public, and the expeditious collection of those supplies which the present exigencies of the state make apparently necessary; to find whether those, who are so liberal of the revenues which are at present in the hands of others, would be equally ready to resign any part of their own, I shall propose a tax, neither new nor irregular, but agreeable to the known intention of the legislature, which, without any other hardship than every man professes at present to sustain, would make a very unexpected enlargement of the public revenues.

The tax now to be laid upon land is one fifth part of its value for the present year, and so much every man is therefore supposed to pay; but it is well known that though of some the estates are taxed almost at their full value, there are others who escape this formidable impost at a very cheap rate, and, instead of a fifth part, pay some a tenth part, and perhaps others a twentieth.

This, Sir, is a method of taxation which, I am certain, no one will attempt to vindicate, and which yet no one proposes to change. It cannot be vindicated, because it appears, at the first view, to be partial and unjust; since the general burthen is not equally divided, but some withdraw their hands from supporting it, while others are sinking beneath its weight. But why it is not changed I am not able to discover. I suppose there will be no difficulty to find why those who are favoured make no complaints, and of those who suffer, I think it may be concluded that a generous regard for others has hindered them from endeavouring to relieve themselves.

Whatever may be the reason that this exemption has been for so many years en-

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joyed by some, without the murmurs, at least, without the remonstrances of others, I shall not endeavour to take it from them by a formal motion for an equal taxation, but shall recommend it to the reflections of those gentlemen who appear so desirous that the government should be supplied, and can assure them, if such assurance be any encouragement, that as it will be in itself more equitable, it will produce a much larger income than a double tax upon places, or than the whole revenues of the places accumulated; and that, therefore, by such a proposal, they will give much more assistance to the government, though they may not perhaps so much dazzle the fancy of the people; and that if the support of the government be public virtue, they may enjoy the consciousness of patriotism, though the iniquity of the age should deny them the name.

If, therefore, Sir, they desire to be really distinguished as lovers of justice for its own sake, as superior to all private views, and mean considerations; if, in their secret thoughts, they look with indignation upon partiality, and wish the full establishment of right, let them, by proposing the redress of this apparent abuse, at once relieve those who are oppressed by paying more than their true proportion of the public expences, and advance the influence of the government by increasing its revenues. This will prove that loyalty, and that integrity, which they so loudly boast, and transmit their names to posterity with the reputation which is always justly conferred on them who prefer the public happiness to their own advantage.

Mr. *Fazakerly*:

Sir; I have heard the honourable gentleman harangue in defence of his salary with all the pleasure which oratory can afford, but without the better satisfaction which arises from the observation of sincere endeavours to discover truth. I have heard him indeed with more pleasure than conviction, and am very far from being persuaded that the motion which he so vigorously opposes is either inconvenient or useless, either dangerous or unequitable.

I know not how he is tempted to imagine that the sum, which would arise from a double tax upon the salaries of places, would be so inconsiderable as not to merit the regard of the public; for nothing is more easy than to prove, by uncontrovertible computations, that it would be such as our ancestors, in times of much greater affluence, thought worthy of their notice. To affirm that it would be of so little importance, is to forget the number of placemen with which every part of the kingdom has too long been crowded, and the greatness of the revenues which are annexed to very unnecessary or very trivial offices, and which may therefore be justly imagined to have been contrived only to diffuse dependance, and to advance the influence of the court.

As these offices are generally discharged with very short attendance, and with very little difficulty, I cannot but hope that the House will think their revenues somewhat disproportionate to their importance; and if we enquire not only into the care and diligence with which they are discharged, but into the interest by which they have been obtained, I am not inclined to believe that those who possess them will find many to defend them against the diminution of their profits, by the appropriation of two-fifths to the service of the public, in this time of general distress.

It is not to be denied that the greatest part of those who have for many years been advanced to places of profit, have recommended themselves only by the most abject servility, and the most detestable prostitution; that they have had, for the most part, no other merit than that of implicit compliance with the ministers, and readiness to promote every scheme that might injure liberty, and advance the power of the crown. It is well known that when any man of this character solicited preferment, enquiry was never made with regard to his qualifications for any particular office: his virtue was a general passport, and in return to any troublesome objection which the scrupulous ignorance of the undiscerning might raise against his morals, or his understanding, one general answer was always at hand, that he was a firm man to the interest of the minister.

Such, Sir, are the men who have obtained salaries from the public; such are the men whom it is sacrilege to deprive of the revenues which they have merited so well; such are the men whose virtues entitle them to plenty and to dignity, at a time when the rest of the nation is languishing in distress.

Were I to give way to the sentiments which naturally arise on this occasion, I should propose that the great offices which have been thus conferred, and which appear to have been made only that the minister might have offices to bestow,

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should be immediately annihilated, that the present revenues annexed to them should be applied to the support of the war; and if any one shall move for a law that they shall never be re-established, I shall not think it my duty to oppose him.

We have been told, Sir, by the hon. gentleman, that large revenues are annexed to public employments, as incitements to men of genius to apply their abilities to the public service; and that, if they were withdrawn or diminished, the inconvenience would soon be perceived in the unskilful administration of public affairs.

I, for my part, am not much affected by this formidable argument, because it is of so great latitude as to make no particular impression; but it displeases me at the first view, because it supposes us more mercenary and more stupid than I am willing to believe us. It supposes that no man has any care but for his own immediate advantage, and that therefore no man would engage in a public office from his regard to his country. It supposes likewise that we cannot extend our thoughts so far as to discover that by preserving our country we preserve ourselves, that every man must bear a part in any public calamity, and that he, therefore, who promotes the prosperity of the public is sufficiently recompensed by the consequences of his care, even though he received no particular reward.

But there is another objection to this argument; for either it will not prove what is intended, or it will prove much more. If it be probable, as is contended, that the skill exerted in the administration of the public affairs will be proportionate to the revenues which are annexed to public employments, it will be, in my opinion, convenient not only not to lessen but to increase the salaries of our officers; for certainly there appears yet no great evidence of skill in the conduct of our commerce, our wars, or our negociations.

Let us, therefore, instead of thinking how the salaries may be lessened, employ our thoughts upon a much harder task, and project ways and means for their increase: for if skill be in proportion to salaries, and the salaries now paid are prudently expended, for as much art and knowledge as they will properly purchase, they ought to be augmented to an hundred times their value, that they may at length be brought to a level with our neighbours.

But the truth, the notorious and apparent truth is, that the greatest part of our public offices either require no abilities, or that no abilities are exerted in discharging them. For a man yesterday unacquainted with public business is introduced to day into an office, and presides without any deficiency of knowledge. To enumerate the offices, and relate the business which is transacted in each, and the manner in which it is transacted, would be perhaps invidious; but would afford more than sufficient proof that, if the measure of understanding required in them be the just measure of the salaries which ought to attend them, the greatest part of our officers are abundantly over-paid.

But let us not, in the ardour of our enquiries, forget the dangers to which a man is exposed by an office in the state; let us not pass over the rage of party, the persecutions of patriotism, the clamours of discontent, and the uncertainty of favour. Let not all these be forgotten, but let us judge of them by experience, and examine what has happened in our days, that should fill the head of a statesman with such complicated terrors, and darken his splendor with the clouds of anxiety or disquiet.

If we contemplate the fate of those who have for many years revelled in the unbounded exercise of ministerial power, we shall discover no reason for considering the state of a courtier as so very dangerous, nor shall we think those who swell with the plunder of their country the proper objects of our commiseration; for whatsoever may be said of the violence of parties, and the ungovernable fury of victorious patriotism, all the ministers of later times, however opposed, or however hated, however oppressive, and however flagitious, have been suffered to retire from their stations, when they could hold them no longer, either without any attempt to punish them, or with punishments so little proportioned to their crimes, that they have excited no terror in those who succeeded them.

Since, therefore, Sir, neither the abilities required, nor the dangers incurred, appear to me such as the hon. gentleman has been pleased to represent, he cannot expect that I should yield to his arguments, or look upon the motion as improper, till some other objection shall be produced against it.

That many benefits would arise from it is very apparent, of which the immediate advantage of a considerable sum, levied without any injury to the useful members

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of the community, deserves undoubtedly the consideration of those whom the people have entrusted with the disposal of their property. But this, though by no means inconsiderable, is yet far less than the advantage of securing to the government the affection of the people, by shewing them that they do not suffer alone, that they are not burthened with taxes which their rulers themselves have found the art of escaping, but that they are spared as much as the necessities of the state allow, and that the ministers partake the calamities of the public, and therefore cannot be reasonably suspected of prolonging them.

It is well known how cheerfully a general is obeyed, who exposes his person to danger, and accompanies the soldier in his hardships and fatigues; and with the same fidelity and willingness will governors of every other class be supported, if by proofs of the same kind they shew their affection, and fortitude, and benevolence.

On this topic, which can indeed never be exhausted, the gentleman who seconded the motion has already shown so much clearness of discernment, and so great depth of reflection, that I shall not presume to endeavour its enforcement or illustration; but shall however declare once more my opinion that the regulation which is now offered is equitable and proper, and I hope we shall, by inserting it in the manner proposed, give the people a proof of our sensibility of their miseries, and convince them that we do not concur in the oppressions of which they have so long complained.

Mr. *Scroop*:

Sir; whatever may be the reasons for which the hon. gentlemen, who have spoken in favour of the motion, appear so much to desire the reduction of the salaries annexed to the public offices, as I doubt not but they are ready to hear truth and attend to reason, I am not without the vanity of hoping that I shall be able to show them their original error, and, consequently, prevail upon them to desist from their motion, and suffer those by whom the business of the government is carried on, to enjoy the pay which is appointed them without diminution.

Their whole argument apparently proceeds upon the supposition, that the salaries generally annexed to public employments, are such as may admit of a double tax, without becoming too small for the support of those who possess them, and that such a diminution will rather lop the superfluous excrescences of wealth, than impair the substance necessary for the conveniences of life. That this may possibly be true of some offices, I am not under any necessity of denying, because the number will be found to be so small, that a tax upon them will be of no consideration; but with regard to the greater number, their state is very different: for many of them are of ancient establishment, and their salaries, which were fixed when money was of more value, have not been augmented, but have from their erection continued every day to decrease in their real revenues, and though they were at first sufficient to afford some degree of grandeur and pomp, are now barely sufficient for the support of life.

The condition of those offices is so well known, and it is so apparent that their salaries are become insufficient for their support, that means have been found of exempting them from a very small tax, which law or custom had imposed upon them, of a fortieth part, which has been now for a long time paid out of the general revenue of the office, without any deduction from the salaries of particular persons.

When such is the state of many of the servants of the crown, it will surely not be proposed to take away two fifths of their revenue, of that revenue which is already so small, that the deduction of a fortieth part is acknowledged to be not supportable.

Those on whom public offices are conferred, are indeed not regarded by the populace with much benevolence; but surely the prejudices of the vulgar ought not to be admitted into this House; we ought not to desire that any man should be deprived of the necessaries of life, only because he is employed in a public office, or conclude that because he has been once favoured by a minister, he ought to be hunted down by the parliament.

That this is the general condition of all the minor officers of the government, it will be easy to discover by a very slight enquiry; and I will not suspect that any gentleman will oppose such an enquiry, or desire to take away two fifths of any man's income, without knowing how much he shall leave behind.

With regard to the greater employments, they have been considered as necessary to the dignity of the court, or the grandeur of the nation; and I do not see

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why it should be desired, that the splendour of the crown should be diminished, or the magnificence of the nation impaired, to produce no visible advantages to the public. For all the deductions from salaries, which equity and reason will allow to be made, will be to the public expence as a rivulet in the ocean; and particular persons will feel the loss, but the nation can never be sensible of the profit. I am therefore determined to vote against the motion, unless other arguments shall be offered in its defence, or the state of the public offices shall be shewn to be other than I have found and represented it.

Sir *Francis Dashwood:*

Sir; notwithstanding this artful and affecting representation of the present calamitous state of our public offices, I am of opinion that they may without any injury bear a double tax, and that consequently the motion now under our consideration is reasonable and proper. The hon. gentleman has observed, that the people are not much inclined to favour the public officers, but has given no reason for this universal dislike. A general effect must have a general cause, nor is it likely that caprice would act uniformly, or prejudice universally; and therefore it is reasonable to enquire whence this disgust arises, which is allowed to prevail throughout all the nation.

Such an enquiry will, I believe, convince us that the salaries may generally admit of a double tax, for the only reason for which they are hated is that they live in affluence and luxury without labour, and riot in that plenty which is procured by the toil and danger of the labourer and the trader.

To reduce these towering giants of the common-wealth to the same size with the rest of the people, to cut off that exuberance which serves only to excite insolence on one part, and detestation on the other, cannot surely be thought improper or unjust, nor will those who appear to look upon place-men with so much tenderness, think them injured by screening them from the hatred of the people.

But it is urged in opposition to daily observation that the salaries of the public offices are too scanty for the support of those who are employed in them, and an attempt has been made to shew the probability of this assertion, by reminding us that the establishment of many officers is very ancient, and that the value of money has gradually diminished, that therefore the value of an office is less than at its first institution, and those are at present in a state of indigence, who were designed to glitter and fatten.

In opposition to this sagacious remark, it may be observed that the establishment of many offices is likewise very modern, and that large revenues were annexed to them only, that they might be more powerful bribes in the hands of a minister; and the reduction of such salaries can be no grievance. As for the offices which are really ancient, it will be perhaps found that the diminution of the value of the salary is amply recompensed by perquisites or other advantages unknown at their establishment; and that the payment of the small tax, which has been mentioned, out of any other fund, ought to be counted among the numerous corruptions, which the avarice of courtiers has found the craft of introducing.

However, if there be any offices which shall be found upon examination unable to bear a double tax, let them be excepted in the clause; but let us not suffer some to revel in riches, only because others happen to be poor; but let us, by reducing them nearer to an equality, take from some the temptation to insult, and from others the incitements to repine.

Mr. *Pelham:*

From many debates and propositions in this House, and from none more than the present, I have been convinced, that nothing stands more in need of being kept within due bounds than the spirit of reformation. If we were to indulge that spirit, we should probably with brother Jack, in a famous Tale, tear our father's coat to pieces, instead of clearing it of some modern superfluities and incumbrances. Strip, tear, or any thing would be the word, so that we do but reform, and leave nothing of what was thought right to be added by our ancestors. I wish gentlemen would consider, what may be the consequence of this itch of reforming the state by Bills begun in this House: it may raise in the other branches of the legislature, and among the people in general, a spirit for reforming our proceedings, and for reducing us within our ancient bounds, which was only to consent to, or dissent from Bills brought in and passed by the other House, and never to attempt at any reformation, but by way of petition to our sovereign in the other House, for

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redress of something we deemed a grievance. We know how jealous the wise queen Elizabeth was of our exceeding our ancient limits, and how often she recommended to the Speaker, that if any forward, idle-headed members of the House of Commons would venture to hazard their own estates, by offering Bills for reformation of church or state, that he should not receive them till they were viewed and considered by her and the Lords. This was not then thought to be any incroachment upon the privileges of this House, though I shall admit it really was, and would now justly be thought so; for the House may certainly order any Bill it pleases to be brought in, and the Speaker, let him have never so express orders from the crown, neither can, nor has a power to refuse receiving it. But, Sir, if we make an extravagant use of this privilege, we may furnish the crown, and the other House, with a pretence, and the inclinations of the people may give them a power, to take this privilege from us, or to confine it within very narrow bounds.

We should therefore, Sir, for our own sakes, as well as for the sake of our constitution, take care to set bounds to that spirit of reformation, which now seems to be flowing in upon us; and the proposition now before us, I take to be one of the most dangerous productions of that spirit, especially considering the doctrines it has caused to be broached. By one of these doctrines I should be excluded from speaking or voting upon this occasion, or indeed, upon any question of a public nature; for there is no such question can come before us, in which the servants of the crown may not be supposed to have some personal concern; so that if this doctrine should take place, we should have no occasion for a Place-Bill, for no placemen, who had a seat in this House, could speak or vote in any case, except in questions relating to private Bills, road Bills, or questions of a like nature: nay, I do not know if these reforming gentlemen would allow us to speak or vote in any question relating to the public roads, because they are the king's highways, and, consequently, we may be supposed to be prejudiced in favour of the crown. But this doctrine has never yet been admitted, and, I hope, never will: a gentleman, who has a post or place in the government, and at the same time a seat in this House, serves the public in two capacities: he serves the crown in the executive part of our government, and his country in the legislative. These two capacities are distinct, but were never yet thought to be inconsistent; for by supposing them inconsistent, we should exclude the king from having any share in the legislative, because he has the supreme executive power lodged in him; which must shew, what an absurdity we should be led into, by supposing it inconsistent for any gentleman to have a share in the executive, and at the same time a share in the legislative part of our government; therefore I must suppose myself as capable of judging impartially in this question, or any other question that can come before this House, as I could be, had I no place under the government; and if I did not, I am sure, I should accept of no such place as long as I had the honour, or intended to accept of the honour, of having a seat in this assembly.

The other doctrine, Sir, that has been broached upon this occasion, is still more extraordinary. No man, it seems, ought to have any pecuniary reward from the public, for any service he does, or may do to the public, unless he stands in need of it for his support: we ought not to invite men of fortune into the public service by any lucrative motives; because, if the expence is to be the same, it is of no signification to the public, whether it be served by men of fortune, or by men of no fortune. This is a doctrine quite different, Sir, from what I have always heard inculcated by those who pretended to be the patrons of liberty. I have always heard it said; I have always heard it admitted, that our liberties can never be in danger as long as they are in the keeping of none but men of family and fortune in the kingdom; and the reason is obvious as well as unanswerable. The security of property must always depend upon the preservation of liberty: under a despotic government there is no property no more than liberty: every man's estate, as well as his life and liberty, depends upon the whimsical will of an arbitrary sovereign. Has not then a man of fortune more reason to prevent his falling into such melancholy circumstances, than a man of no estate? This it is impossible to deny; and has it not always been with great reason urged, that our liberties are in no danger from our standing army, because it is under the command of men of the best families and fortunes amongst us? Will you then agree to a regulation that would turn every one of them out of our army, and also out of our navy?

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But it is alleged, Sir, that if all lucrative motives were removed, men of fortune would from other motives take the trouble of having a share in our government, and even expose themselves to the danger of fighting our battles both by land and sea. This, Sir, might be expected in a Platonic republic: but I have good reason to think, it could not be expected in this country, nor in any country so far as I know. Besides, it would, I think, be unjust; for if a rich man does any service to the public, he has certainly as good a right to a reward as if he were poor; and to deny him his right would be an act of injustice. In a country where the people are extremely poor, they can give no pecuniary rewards; they can give nothing but honour and esteem; but in a country like this, where the people are extremely rich, they can, and ought to give pecuniary rewards, as well as honour and public esteem; and these they ought to give without distinction to the rich as well as poor; for otherwise the rich, I am afraid, would think of nothing but spending their estates in ease and quiet, and leaving the business of the commonwealth to be performed, as well as its battles to be fought, by those who had no other subsistence than what was allowed them by the public for their service, which, in my opinion, would be attended with many dangerous consequences.

I shall mention only two, Sir: the danger of having the counsels, and even the armies or squadrons of the commonwealth, betrayed to the enemy; and the danger of having the public treasure dilapidated or run away with. When a public counsellor or officer has a large land estate, it is a pledge to the public for his fidelity as well as honesty; and such a man is not, surely, so liable to be bribed by foreign courts as a man of no fortune. If he betrays the counsels, the armies, or the squadrons of his country, he must leave his country, he could not afterwards expect to live securely in it, but he cannot carry his land estate along with him; and he must have a very large bribe from the enemy, to enable him to live in equal splendor in their country: whereas, to a man of no fortune, all countries are pretty much the same; and a certain establishment in an enemy's country might be a greater temptation, than a precarious post in the service of his own.

Then, Sir, with regard to the public treasure, how could it be secured, if no man of fortune would accept of any public employment? Which, I am afraid, none would, if they were to have nothing, as is vulgarly said, but their labour for their pains. We know what large sums of public money are, and must be intrusted, in the hands of some public officers. If such officers had no land estates of their own, nor any thing to subsist on but a precarious salary from the public, would they not be under a very great temptation to march off to some foreign country, with 40 or 50,000*l.* of the public money? Or if they should apply the public money to their own use, and waste it in extravagance, how could the public be reimbursed?

These, Sir, and many other misfortunes, might attend our having no men of fortune employed in the executive part of our government; and therefore we ought to encourage such men to accept of such employments, by all the motives we can think of; consequently, this new doctrine will never, I hope, find a reception in this commonwealth. But the proposition now before us, would be of still worse consequence: by the double tax proposed, you would not only reduce all the public salaries so low as not to be worth the acceptance of any gentleman of fortune, but you would render many of them insufficient for supporting gentlemen of no fortune, with any tolerable decency, which would bring the government into contempt, and this would certainly at last bring the country into confusion. I must therefore look upon this proposition, to be as much a Platonic scheme, as if you were to pass such a law as has been mentioned; and I am afraid, it would be attended with worse consequences; for even an arbitrary government is better than anarchy, which would be the consequence of your rendering your government contemptible.

For these reasons, Sir, I hope, my hon. friend will wave his motion; for though I am under no apprehensions of its being agreed to, I apprehend bad consequences from a question being put upon it. The people have been, by some late management, led into a way of thinking, that salaries and pensions have an influence upon the proceedings of this assembly: and a question upon such a motion would, I fear, confirm them in this way of thinking; for many may hear of the question that neither hear, nor can comprehend the reasons for putting a negative upon it; therefore, I hope, the hon. gentleman will not insist upon it.

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Mr. *Edward Southwell:*

Sir; as reformation in religion has always been a most frightful word to priests, so reformation in government has always, for the same reason, been equally terrible to ministers; those abuses in religion, which make a reformation necessary, have generally been introduced by the cunning of priests, for increasing their own power or their revenues; and those abuses in government, which render a reformation necessary, have generally been introduced by the cunning of ministers, in order to increase their own power or profits. These two orders of men have, therefore, the same reason to dread a reformation, because it must be attended with a diminution of their power or their profits, and, probably, with a very great diminution of both. For this reason, Sir, when I hear a minister running out against reformation, and dressing it up in all the hobgoblin shapes his fancy can suggest, I always think of the priests of Diana at Ephesus: it is not the danger that threatens the public, but the danger that threatens their shrine, which they are afraid of; and as the overgrown power of ministers is of as pernicious consequence to free government as the overgrown power of priests is to true religion, a reformation is often as necessary in one case as the other. This is the foundation of that maxim laid down by Machiavel, That in order to preserve a free government, it often becomes necessary to bring it back to its first principles; which is a maxim the friends of liberty will always take care to observe, and, we may expect, that it will be as constantly opposed by ministers, who always have been, and always will be, grasping at arbitrary power.

Upon this principle, Sir, let us examine the motion now before us, in order to see whether it is not returning a step back to our ancient constitution; and, I am sure, no man, who has read the histories of this nation, will say, that our ancestors the Saxons ever thought of inviting men to serve the public by great salaries or pensions: on the contrary, we know, that all those offices that are of true Saxon originals, such as sheriffs, parish offices, and most of our offices in cities and boroughs, are attended with an expence, instead of being of any advantage to the officer. At least, if they now make any advantage of them, it is by some innovation unknown to our ancestors, and such a one as they would never have allowed to be introduced. But the crown having, by some means or other, got into its possession the arbitrary disposal of almost all offices and places, ministers soon found, that the more valuable those offices and places were made, the more their power would be extended; therefore they resolved to make them lucrative as well as honourable, and from that time they have been by degrees increasing, not only the number of offices and places, but also the profits and perquisites of each. Not only large salaries have been annexed to every place or office under the government, but many of the offices have been allowed to oppress the subject by sale of the places under them, and by exacting extravagant and unreasonable fees, which have been for so long suffered, that they are now looked on as the legal perquisites of the office. Nay, in many offices they seem to have got a customary right to defraud the public; and we know how careful some of our late ministers have been, to prevent or defeat any parliamentary enquiry into the conduct and management of any office.

By these means, Sir, the expence of our civil government is become so great, that it is hardly in the power of the people to support it: at least, it is not in their power to support the expence of our civil government, and, at the same time, to support a foreign war with that vigour which is necessary for bringing it to a happy and speedy conclusion. But this is not the only inconvenience that attends the multitude of offices and places under our government, and the large salaries and perquisites annexed to them: they not only render it impossible for us to support or carry on a foreign war with vigour, but they render it impossible for us to preserve our liberties without some great reformation in our constitution. The motion now before us does not, therefore, proceed from any extravagant spirit of reformation, but from a just sense of the danger we are exposed to, if we do not reform. As to the danger that threatens our liberties, I do not much wonder at our ministers not being affected with it; because from the whole course of our history, as well as from late experience, I have observed, that as soon as a gentleman becomes a minister, or, as he calls himself, a servant of the crown, he shakes off all concern for the liberties of his country, and whatever professions some of our present ministers may have formerly made, I am afraid it

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will be found, that they have no more virtue than their predecessors.

For this reason, I say, Sir, I do not wonder at our ministers not being affected with the danger our liberties may be in from the number of our officers, and the high salaries annexed to their several offices; but as to the danger we are exposed to by our inability to support a foreign war, I wonder that even our ministers are not affected with it. My wonder does not arise, Sir, from any high notion I have of their virtue, or love for their country, but from my being convinced, that they have a great love for themselves, and a paramount regard for their own safety and interest. We are now engaged in a war, which, I am afraid, will either end very much to our disadvantage, or it will prove much more tedious and expensive than was at first imagined. If by our inability to support the expence of the war, it should be brought to an unhappy conclusion: if instead of taking and holding some new acquisitions, we should lose some of those we are now possessed of, do our ministers think, that the people would blame themselves for not contributing more to the public expence than they could possibly spare? Would they not say, we contributed what would have been sufficient for carrying on the war with vigour, and concluding it with honour, but you distributed so much of the public revenue in salaries and pensions among yourselves and your creatures, that you did not leave sufficient for carrying on the war? we confined ourselves to a bare subsistence, that we might contribute the more largely to the expence of the war; but you resolved, in the midst of public distress, to live in splendour and affluence at the public expence? This method of reasoning would be just, and from this method of reasoning the people would lay the blame of all our misfortunes upon our ministers: the outcry would probably be heightened by some accidental miscarriages, if not by some glaring pieces of misconduct; and as our army and navy would be the greatest, and the most immediate sufferers, both our soldiers and sailors would join in the general outcry. Our ministers might, perhaps, be able, by a packed majority in parliament, to protect themselves against any legal prosecution; but such a general outcry would probably, in that case, produce a general insurrection of the people, supported, perhaps begun, by our soldiers and seamen, and our ministers would find a vote of both Houses but a feeble support against such an insurrection.

Now, Sir, though ministers may, perhaps, give themselves very little trouble about what misfortunes may befall their country, yet when it is so very probable, that such misfortunes may bring the greatest of all misfortunes upon themselves, I cannot but be surprized to find them so little affected with the danger. What may be the event of the present war, no one can tell: I must confess, I do not at all think the odds in our favour; but let the event be what it will, if our ministers should agree to, and adopt this motion, it would contribute not a little towards preventing their being made answerable for the event of the war; whereas, if by their means it be rejected, they will thereby heap coals of fire upon their own heads, by which the heads of some of them may very probably be consumed, if this nation should meet with any signal misfortune. Thus far I have endeavoured, Sir, to persuade our ministers to take care of themselves, though I fear my arguments will have very little effect, because I know how prevalent a present advantage is, especially in this selfish age, when put in the balance against any future consideration; I shall, therefore, leave our ministers to the guidance of their own good or evil genius, and apply myself to those who may be presumed to have a greater concern for the welfare of their country, and the preservation of its liberties, than they have for any little advantage or expectation of their own.

As such men, Sir, are capable of judging without prejudice, I am sure, they must be sensible of the great danger our liberties are in, from the vast influence the crown has of late years acquired by the multiplication of offices, and the increase of officers, as well as the increase of their salaries and perquisites; for surely no gentleman will say, that our monarchy would continue to be a limited monarchy, if the crown were sure of having always a parliament at its devotion; and that this may be the case, that this will be the case, is, I think, absolutely certain, if some effectual methods be not very soon taken to prevent it. A reformation therefore of some kind or other is become absolutely necessary, if we intend to preserve our liberties. A place Bill, and a Bill for excluding officers of all ranks and degrees, with a very few exceptions, from voting at elections, may have some effect; but it is very certain, that the most effectual me-

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thod would be to diminish the number and value of those gifts which the crown has a power to bestow; and the motion now before us is, I think, the most obvious step, and the first step we ought to take for this purpose. The motion is in itself so reasonable, and the hon. gentleman who made it, has chosen such a seasonable and critical conjuncture for offering it to our consideration, that, if it be not agreed to, I shall despair of ever seeing any effectual law made, for preventing that corrupt influence, which the crown has a power to make use of both in parliament and at elections. A new administration may, in order to gain a little popularity at their first entrance into power, connive at the introducing and passing, or they may themselves introduce and promote some Bill, that has a specious appearance of being in favour of liberty; but I shall never expect an effectual Bill from that quarter. I have such an opinion of ministers, that I cannot be easily convinced, that they will ever consent to have their power effectually abridged; therefore I must be of opinion, that if ever any such Bill be passed, it must make its way through this House against the power and influence of the administration, and must be forced through the other two branches of the legislature, or one of them at least, by the obstinate virtue of this assembly: Thank God! we have still the power in our hands, in some measure, to compel a compliance with what our constituents, as well as ourselves, think absolutely necessary for the preservation of our constitution. But in the case now before us, we have no occasion to make any extraordinary use of our power: no tacking is proposed: no refusal, no nor any delay of the supplies is desired: what my hon. friend has proposed, comes not only naturally, but necessarily into a Supply Bill, and consequently must be agreed to by the other two branches of the legislature, or the whole of this branch of the supply must be lost. If therefore such a natural and such a well-judged proposition as this, in favour of our liberties, be rejected by this House, can I suppose, that ever any other can make its way through this House against the torrent of ministerial favour?

This proposition, Sir, claims our approbation, not only from the end intended by it, and from the method of introducing it, but also from the time at which it has been introduced. Was ever nation in greater distress than this is at present? Engaged in a war against two of the richest and most powerful nations in Europe, without one ally to assist us, but such as are a burden to us: such as require more assistance from us than they can give us; and this at a time when our people are so loaded with taxes, that even the ingenuity of our ministers can scarcely invent a new one; and at a time when almost all those taxes are mortgaged for paying off the interest and principal of debts contracted above 30 years ago. In this war, Sir, our trade must be greatly distressed, therefore the general balance must be less in our favour than in time of peace, or in any former war we were ever engaged in; consequently our returns in gold and silver must be less than they have been for an age passed; and at the same time we must send out great quantities for paying our armies upon the continent, and our subsidies to foreign princes. As our public credit is still good, we may expect, that some of the money we send abroad for these purposes, will be returned again, in order to be placed in our public funds; but we are in great danger of losing this supply; for as many of our people are now abroad, or at sea, and as our landed gentlemen must live more sparingly, the consumption must be less, and, consequently, the produce of most of our taxes must decrease; so that the sinking fund, which is the only fund our creditors can trust to for having their principal paid off, may in a short time be totally annihilated; and if people should see that fund annihilated, which is the only one we have for paying them off their principal, they would soon begin to be shy of placing their money in any of our public funds.

In these circumstances, Sir, have we not great reason to fear lest our enemy's purse should be found to be longer than our own? When they first entered into the war, they had no old debts to pay, nor were any of their taxes mortgaged. Their people were subject to no taxes but such as were necessary for supporting their government in time of peace, and they have as yet imposed but very few new taxes. It is said of Lewis the 14th, that when he heard of war being declared against him by England, he said, 'Hé bien! la derniere guinée l'emportera.' How much more reason have the French to say so now? No people know better than they do how to stand upon the defensive: no people are better provided for it. Notwithstanding the many signal misfortunes they met with

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in the last war we were engaged in against them, by standing upon the defensive they prolonged the war, and supported it by the help of Spanish galleons, till both the Dutch and we were very near exhausted; for as the Spaniards are united with them in this war, as well as the last, they have a great advantage over us, because, notwithstanding all the men of war and privateers we can fit out, they will every now and then be getting home a Spanish galleon, and by them will be continually getting a supply of gold and silver; whereas we can get no supply of these sinews of war, but what we get by the general balance of our trade, and that is not, I am afraid, near so much in our favour as it was during the late war.

Thus, Sir, supposing we were in no danger of being out-numbered in troops, we are in very great danger of being out-numbered in guineas; and if our funds should fail before the war can be brought to a period, what will become of us or our allies? As none of our present allies have any funds sufficient for maintaining the armies they have on foot: as they have no funds to trust to but ours, if ours should fail, they must submit to any terms France may be pleased to impose: and if we should be thus left to fight it out by ourselves alone against France and Spain, and that at a time when we had neither money nor credit to fit out a squadron, should not we be under a necessity of submitting to the same sort of terms? In these circumstances, Sir, and when we are in so much danger of being run out before the war can be brought to a period, will any gentleman say, that we ought to allow our ministers, placemen, and pensioners, to enjoy the same salaries and pensions they were provided with in time of peace? Or that we ought not to deduct some part of their salary or pension, or subject them to some higher tax than any other sort of people?

But this, it is said, is the practice of arbitrary governments, or of princes that were aiming at arbitrary power: and we ought not to make their conduct a precedent for ours. Can this be called reasoning, Sir? Because an arbitrary government does a just or a right thing, therefore we are never to do so. If we can find no precedent for this, in any of the free governments of Europe, it is because their ministers and officers have either no salaries at all, or no more than is absolutely necessary for supporting the dignity of their office. But our ministers and officers have higher salaries and perquisites in proportion, than the ministers and officers even of any arbitrary government in Europe: and since we imitate them in granting high salaries and pensions, we ought to imitate them in making deductions when we are involved in a foreign war. This was done by the court of Spain, as soon as war was declared against us, if there is any credit to be given to our gazettes and news-papers; in order to provide for the expence of the war, that court began with reducing the appointments of all their officers, both civil and military, and with annihilating the perquisites of many others. The same thing was done by the court of Vienna, when they found themselves attacked by France and Spain. In Russia likewise they made large deductions from the salaries of their officers, during the war with Sweden; and even lately in Denmark, when there was but the appearance of a war with Sweden, his Danish majesty began with laying a tax upon all salaries in proportion to their yearly produce. If no such thing has been practised by France, it is because the quality in that kingdom are proud of serving the government both in the civil and military offices, especially the latter, without any considerable pecuniary reward. As many of our nobility and rich gentry are able enough to support the dignity of any public office they can be preferred to out of their own private fortunes, surely no man will say, but that it would be generous in them to do so, at a time when their country is in such danger and distress; and when an officer has no private fortune of his own, but a good salary from the public, surely it would be generous and right in him to contract his way of living, and give up one-half of his salary, in a time of public distress. If our public officers will not voluntarily do what is generous and right, they ought to be made to do so by some public regulation; for which purpose nothing better can, I think, be contrived, than the proposition now under our consideration.

The opposition made by our ministers to this motion is, in my opinion, a most convincing proof of the corrupt influence that proceeds from the lucrativeness of our public offices and employments. This of itself alone ought to be a prevailing argument with every lover of liberty to render them less lucrative, even supposing that the public distress did not make it necessary. Ministers may, perhaps, think,

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that nothing but lucrative motives will prevail with men to accept of places or employments in the government of their country: because nothing but a mercenary spirit can prompt a man to accept of any such upon the terms they are generally offered by ministers, I mean, upon condition of betraying their country in parliament, or at elections; but if we have a mind to preserve our liberties, I am sure, we ought not to enable the crown or its ministers to get any servants upon such terms. If the country is to be served by none but such as will agree to betray its liberties, I had rather chuse, it should not be served at all; for anarchy is better than an established tyranny, because from confusion, order may be brought forth; whereas from an established tyranny, nothing but irretrievable oppression is to be expected. Therefore, if it were true, that nothing but lucrative motives could, in this country, prevail upon men to serve their country, it would with me be no argument against rendering the temptation less cogent; because a small salary may prevail upon a poor man to serve the public, and a poor man is not so able to support an oppressive government, as an avaricious or luxurious rich man may be.

But, Sir, whatever our ministers may think, whatever bad opinion they may have of their countrymen, I have no such opinion of them. If nothing but honourable services were required, men of honour would engage in the service of their country, without any pecuniary reward; and I do not think it in the least difficult, to introduce such a custom as would make it dishonourable in any man of fortune to desire or accept of a sordid pecuniary reward or salary for any service he did, or could do to his country. To talk of a man's right to a pecuniary reward for serving his country, is to talk in that vile mercenary stile that has been designedly introduced of late years, in order to propagate ministerial corruption; but to talk justly, no man has a right to a pecuniary reward for any service he can do his country. Sir, the service of our country is like the service of God; when we have done all we can, we have done but our duty; and no man can have a right to a reward for doing no more than his duty. The rewards, therefore, bestowed for public service, are not what any man has a right to demand, but such only as generosity, charity, or prudence may induce the country to bestow; and I am sure, neither generosity, charity, nor prudence can be pleaded for giving large, or indeed any pecuniary rewards to those who are already possessed of too much riches; and when a country is itself in the utmost distress, surely it ought not to grant such high pecuniary rewards, even to those that stand in need of them, as it may do when it is in affluent circumstances; but our conduct in this country seems to have been directly the contrary; I am sure, it cannot be said that we have been in affluent circumstances for these thirty years past; I believe, every impartial man will grant, that we have been for that whole time in a declining condition; and yet in that time we have not only augmented very needlessly the number of our public officers and servants, but we have greatly augmented the salaries and perquisites of many of them. We may easily guess, Sir, with what view these augmentations were made, and we may be convinced, that the same view now creates an opposition to their being reduced.

It is not the danger, Sir, of driving men of fortune from the service of their country, but the danger of driving men of fortune from the service of ministers, that creates an opposition to this motion; but this is so far from being a reason for me to oppose it, that it is one of the strongest arguments I can think of for agreeing to it. I wish we could drive every man of fortune from that service; for none but men, who are entirely governed by their avarice or luxury, will ever enter into the service of ministers upon the terms they require: and in the hands of such men, neither the counsels, nor the treasure of the country can be safe. A poor man may be honest and faithful, but an avaricious man will be neither, if he can safely indulge his avarice by being otherwise: a poor man may live contented upon a small salary, but a luxurious man no income can satisfy; therefore he will endeavour by any means to get a supply. Can we expect, Sir, that either the counsels or treasure of our country will be safe in the hands of those who, in order to get them into their hands, have agreed to betray the liberties of their country? Sir, if they do not sell the counsels of their country, it is because they cannot find a purchaser; and if they do not convert the treasure of their country to their own use, it is because they are afraid of the punishment. There is more danger therefore, with regard to the public counsels or treasure, in having

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such men of fortune employed, than in having men of no fortune employed in the public service; and with regard to our liberties, the danger is infinitely greater: because men of no fortune could not betray the liberties of their country by getting into parliament, nor could they so powerfully assist an oppressing administration in corrupting our elections.

For this reason, Sir, we ought not to provide any minister with the means of tempting the avaricious or luxurious rich to accept of places or employments in the government; and much smaller salaries or profits than are annexed to most of those places would be a sufficient temptation, because they would be a sufficient support for gentlemen of no fortune. There is therefore no weight in the objection made to this proposition, that it would drive all gentlemen of fortune and character out of the public service; because it would drive no gentlemen of fortune out of the public service, but such as ought not to be allowed to enter into it; at least they ought not to be tempted by lucrative considerations to enter into it, especially as long as such temptations are at the disposal of our ministers, and as long as a lucrative place in the government is no objection to a gentleman's being a member of this House.

The only other objection I have heard made to this proposition is, that it would make but a very small addition to our public revenue, if we make those exceptions, which justice and compassion require: I have already shewn, Sir, that justice has nothing to do in the question, because no man has a right to any pecuniary reward from the public; and as to compassion, it cannot, I am sure, carry us farther than the hon. gentleman who made the motion has mentioned. Suppose then we except all salaries and pensions of 50*l.* a year and under, will any gentleman say that 4*s.* in the pound upon all salaries and pensions above 50*l.* a year would not produce a very considerable revenue? I shall not pretend to determine, or even to guess at what it would produce; but I may suppose, that our salaries and pensions above 50*l.* a year, amount to at least a million sterling; if I said two, I believe, I should not be mistaken; but supposing no more than one, it would produce an additional annual revenue of 200,000*l.* a year, without any additional charge; and such an additional revenue is, I think, far from being inconsiderable, at a time when our government finds itself under a necessity of indulging even the most destructive vice of the people, in order to raise money by taxing it.

I shall conclude, Sir, with recommending it to our ministers and placemen, to shew some regard to themselves, since I find they will shew none to the people, by whom they subsist, and wallow in plenty. These gentlemen must surely be sensible, that a very furious spirit is rising in this nation against placemen of all ranks and degrees. If any calamity should befall the nation, the whole of the blame will be laid upon them; and this may render the spirit now rising so outrageous, as not to be kept within any bounds. Every placeman will then be looked on as a public criminal; and the rejecting of this motion will, I am sure, no way contribute towards alleviating the rage of the people. Do these gentlemen think, that a deduction from their salaries would then be thought a sufficient atonement? They would be looked on as the authors of those measures that had brought all our calamities upon us. The words of the Scripture would then be applied to them: they have laid a great load upon the people, but would not touch it themselves with one of their fingers. In such a case, I doubt much if their persons would be safe. This they ought to think of, even for their own sakes; and if they consider this as they ought, I am sure, they will cheerfully submit to the double tax proposed; because their bearing such a great share of the burden, would, in the day of tribulation, be some sort of excuse for their conduct. It would be some sort of proof, that they had not involved their country in a dangerous and expensive war out of mere wantonness; and an error in judgment every reasonable man will be ready to excuse. I therefore hope, that all such of them as have seats in this House, will join with me in giving their affirmative to the question, and in that case I should have no doubt of its success.

The motion was then negatived by a majority of 95 against 53.

1745.

*Debate in the Commons on the Army Estimates.**] January 23, 1745. Mr. Fane

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Nothing of moment occurred in the

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reported the following Resolutions from the Committee of Supply; Resolved, 1. "That it is the opinion of this Committee, that the sum of 781,698*l.* 16*s.* 2*d.* be granted to his majesty, for defraying the charge of 28,107 effective men, commission and non-commission officers included, for the service of the war in Flanders, for the year 1745.—2. That 37,610*l.* 18*s.* 8½*d.* be granted for the pay and forage of the general and staff-officers, and likewise for the pay of the officers of the hospital,

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House of Commons after the recess till January the 16th, when a division happened, on a point of no great consequence, through want of attention to a minuteness in form on one side, and too acrimonious a zeal for punctilios in the other, and which both I think would have done wisely to avoid. The number of troops for guards and garrisons had been agreed to without opposition, and the Estimate of the Ordnance came next in turn. In the two preceding sessions that Estimate had not been voted till some days after the Army at home and in Flanders, and for that reason very properly included the charge of Artillery for both. That board sent in their Accounts now in the same form; not considering that as it had been resolved to vote the army at two different times, it was the most regular method to accompany each part with the expence of its respective ordnance. The cavilling acuteness of lord Strange soon hit upon this objection; and he moved, "That in order to give time for the Estimates being divided, the chairman (the House being then in a committee) should leave the chair." He was seconded by sir John Philips (who seemed resolved to give us an early specimen that he would be as troublesome a placeman as a patriot) and others took the matter up, and insisted on the absurdity of voting money for a service which we had not yet declared to be a necessary one. Those who spoke in defence of the Estimate were Mr. Pelham, Lyttleton and Winnington. They urged, that as an immediate supply was necessary for the Ordnance, any delay would be highly inconvenient, that the money was given upon account, and if it should not be judged necessary to employ an army in Flanders this summer, the House would have an opportunity of disposing of it again as they pleased.

The division was 113 Ayes, against 238 Noes. All the new placemen voted with their old party, except Doddington and Lyttleton, and lord Bath's friends with the majority. About this time (as I saw in a letter from lord B. to the Chancellor) there were attempts to create an ill humour amongst the Tories and peevish Whigs, in which Cobham, who could not be considerable without the sphere of faction, was concerned. The former gave it as his opinion, that a schism might easily be stopped, by admitting some of the Tories into the commissions of peace: this could not be done immediately; but means were used to prevail on them to acquiesce in a measure of much greater consequence, which came on a few days after; I mean the English troops to be employed abroad.

Jan. 23. The House having resolved itself into the Committee of Supply, sir W. Yonge moved, That 28,000 men should be employed in Flanders for the year 1745, and as it exceeded the number voted last year by 7,000 men, he shewed whence that difference arose, which was from the necessity of continuing abroad the reinforcement sent over in the summer to the allied army whilst they lay behind the Scheld, and from an augmentation of a company to each regiment made by the orders of marshal Wade. He likewise explained some variations between the Estimates of last year and the present.

Powlet (brother to earl Powlet) proposed, that the troops should be voted only for two months, in which time we might expect a categorical answer from Holland, and unless that was satisfactory, he should be against burdening the nation with the expence of a land war any longer.

Mr. *Pelham* put the question on the right footing, that he would not at present enquire what the measures were, which had brought us into this war, or in what manner it had hitherto been carried on; but since we were actually embarked in it, there was no other method of disengaging ourselves, than by continuing to act with resolution and vigour; and as this country could not bear lingering diseases, a thorough exertion of her strength once more would be found the nearest way to a good peace. The proposition made by Powlet he treated as absurd, because it might induce our allies to think we intended to abandon them, and would put the nation to the useless charge of maintaining an army in the season

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serving with his majesty's forces in Flanders, for the year 1745.—3. That 11,550 marines, commission and non-commission officers included, employed for the year 1744, be continued for the service of the year 1745.—4. That 206,253*l.* 15*s.* be granted for defraying the charge of the said 11,550 marines, commission and non-commission officers included, for the service of the year 1745.—5. That 65,265*l.* 13*s.* 5½*d.* be granted, for making good the deficiency of the general fund for the

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when they could be of least service; but he intimated at the same time, that those who interpreted his meaning to be that Great Britain should take the whole load upon herself, and go on from year to year exhausting her treasures and wasting her strength, without plan or concert, would do him great wrong. With regard to the Dutch, he was afraid of saying too much, lest the effects should not correspond with his assurances; or too little, lest he should do an injustice to the good intentions of that republic; but, that the House might not want the proper grounds whereon to vote these troops, he was at liberty to inform them, that the States would join us in Flanders with a body of 40,000 men (a larger proportion than they had yet sent into the field,) exclusive of a detachment of 8,000 men on the Lower Rhine, and sufficient garrisons in the barrier towns; that they had besides engaged to pay one half of the subsidy to the king of Poland, and one third of that to the elector of Cologn, and had expressed a willingness to contribute their share towards any others that should be judged necessary. He added, that however prevalent and just the opinion here might be that the Dutch had not in every point fulfilled their engagements to us, or acted with sufficient zeal in support of the common cause, their conduct was by no means looked upon favourable by the court of France; which in answer to a Memorial from the States minister at Paris, complaining of the interruption their trade met with from the French men of war and privateers, had recapitulated all the steps taken by Holland, since the breaking out of these troubles in Europe, and declared that the king could not avoid considering many of them as acts of hostility, and till they altered their course of proceeding could not give them the same marks of his friendship. Mr. Pelham concluded in terms to this effect, That he hoped the question would pass unanimously, because those (if any such sanguine persons there were) who flattered themselves that the continuance of the war would be attended with great triumph and glory to the arms of Great Britain must certainly be for it, and those who desired to have no occasion passed by, which might bring on a safe and honourable peace, must be convinced that setting our faces to the enemy was the only means of obtaining it.

Two other forward young men, made some objections, sir R. Newdigate and lord Strange; the one called it an old measure from a new ministry, and the other was for adjourning the debate as premature, till my lord Chesterfield (then wind-bound at Harwich), returned with an answer from Holland.

Sir *Watkin Williams*, to the surprize of the generality, spoke for the question, and as he said himself, agreed with the court for the first time of his life. He bestowed great encomiums on lord Chesterfield, whom he styled the ambassador of the nation, as well as of the king, and reversed the character of Hampden in his favour, "that he had a head to contrive, a tongue to persuade, and a hand to execute any worthy action." His chief reason was, that the noble lord above described, would with a very ill grace, be soliciting the States to concur with more vigour and dispatch in carrying on the war, whilst we were passing a vote to disarm ourselves here, but he laid in his claim not to be precluded from joining in an Address to the king to recall these troops, if the Dutch did not come in *totis viribus*.*

Mr. *Pitt*, who had been laid up with the gout ever since the session began, came down with the mien and apparatus of an invalid, on purpose to make a full declaration of his sentiments on our present circumstances. What he said was enforced with much grace both of action and elocution. He opened it by saying, if this was to be the last day of his life, he would spend it in the House of Commons, since he judged the condition of his country to be worse than that of his own health. He hoped the hon. gentleman who spoke some time ago (Mr. Pelham†) would not only

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* Qu. What is *totis viribus*? It is always in the power of every nation to determine what is so for *itself*.

† I rather think, upon second thoughts, that he meant sir Watkin; Mr. Pelham is complimented afterwards.

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year ended at Michaelmas 1744.—6. That a sum, not exceeding 5095*l.* 8*s.* 8*d.* be granted to replace to the sinking fund the like sum paid out of the same to make good the deficiency of the additional stamp duties at Christmas 1743."

The said Resolutions were agreed to by the House.

Debate in the Commons on a Motion for Annual Parliaments.] The House was moved, That an Act made in the 4th year

have persuaded, but awed the House into an approbation of the measure, and that he should have had no occasion to enter into a detail, which he was apprehensive his strength would not permit him to go through. He shewed how much the question was changed from what it was last year, when a certain fatal influence prevailed in his majesty's councils. The object seemed then to be the multiplying war upon war, expence upon expence, and the abetting the House of Austria in romantic schemes of acquisition, such as the recovery of the *Avulsa Imperii*, without regard to the immediate interest of Great Britain. The object now was, by connecting ourselves closely with Holland, to arrive at a situation which might enable us to hold out fair and reasonable terms of peace, both to our friends and enemies, and not to prosecute the war a moment longer, than we could obtain an equitable and sufficient security for our own rights and those of our allies, pursuant to public treaties. He took occasion to recapitulate the miscarriages and errors of our conduct since the change in 1742;—intermixed with severe strokes of invective on lord Granville, who, he said, had not ten men in the nation that would follow him, but supported himself in the closet on that broken reed, an opinion of his credit with foreign princes. The capital errors which he pointed out and exposed, were, the not following Maillebois and attacking Dunkirk in 1742; the advising the queen of Hungary to reject the French overtures at Prague, the not improving the victory of Dettingen, and turning a deaf ear to the proposals made by the emperor through the canal of prince William of Hesse, (though he allowed the demand of a subsidy for an unlimited time deserved contempt). When he condemned the Convention subsequent to the treaty of Worms, he did justice to the cabinet council, who had discharged their duty and refused to give a sanction to what the rash hand of a daring minister had signed. He complimented Mr. Pelham on that true love of his country and capacity for business which he had always shewn, and commended the present ministry for pursuing moderate and healing measures, and such as tended to set the king at the head of all his people. He thought a dawn of salvation to this country had broke forth; and he would follow it, as far as it would lead him. He should be the greatest dupe in the world if those now at the helm did not mean the honour of their master, and the good of the nation; if he found himself deceived, nothing would be left, but to act with an honest despair. He touched on the symptoms of a good disposition in the States, which Mr. Pelham first enlarged upon, and observed, that if they completed their last augmentation of 12,000 men, they would have a more numerous army on foot, than they kept up during king William's war. In the heat of his argument he turned once or twice to sir R. Newdigate, and asked with an air of disdain, "if this could be called an old measure from a new ministry."

Sir *John Barnard's* principal view in speaking was to give a proof of his regard to lord Granville, the three years of whose administration he thought more glorious for this country than any they had seen since 1710. He said he was well assured that noble lord desired nothing so much, as that his whole conduct should undergo the strictest enquiry of parliament: he believed him an honest as well as a great minister, who by his councils had preserved Europe from slavery, and though he would not compliment gentlemen to their faces (meaning Mr. Pelham), yet the closer they followed the steps of their predecessor, the better opinion should he entertain of them.

Lord *Barrington* attempted to shew that by voting against an army in Flanders last year, and for it this, he acted a consistent part. He treated the general notion of preserving the balance of Europe as chimerical, but owned our interest was immediately concerned in keeping up a barrier against France in the Netherlands, and defending the maritime towns there.

Mr. Pitt's fulminating eloquence silenced all opposition; sir R. Newdigate professed an acquiescence, though till he had further lights, he could not give a thorough approbation to the question, which passed with a single negative from lord Strange.

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of the reign of king Edward 3, intituled, "A Parliament shall be holden once every year;" and also that an Act made in the 36th year of the reign of king Edward 3, intituled, "A Parliament shall be holden once in the year," might be read; and the same being read accordingly,

Mr. *Thomas Carew* rose and said:

Sir; from the compromise that happened about the beginning of this session, and the great things that were said to be stipulated, by those who were then coming into power, it might have been expected, that the motion I am to conclude with, would have come from another quarter, and that a Bill for that purpose would, long before now, been passed into a law. Whether our new ministers and *quondam* patriots, did really stipulate any thing in favour of their country, or in favour of that cause they seemed to glory in espousing, I do not know; but from what has hitherto appeared, they seem to have stipulated nothing but places for themselves. Whatever may be in this, I am resolved to put them to the trial; and from the fate of the question I am to propose, I shall determine, whether our present new ministers deserve all the hard names they have themselves so liberally bestowed upon those they have now supplanted, as well as the hard names they formerly lavished upon those they have now joined with. These hard names they must not expect to evade, by giving a simple vote for this question, or any question of the like nature: the world is now too clear-sighted, to be imposed on by such gross dissimulation: the question must be carried, and effectually carried, or, otherwise, they ought to throw up the places they have so rashly accepted, and declare against those with whom they lately so rashly united. I say rashly, Sir, for if they are not resolved to desert the cause of liberty, I must say, it was rash in them, to unite with those who have, for so many years, declared against it, without some very particular and express stipulations in favour of the liberties of their country.

What may now be the way of thinking with some gentlemen amongst us, about the liberties of their country, I shall not pretend to determine; but if people's way of thinking can be learned from their speeches and declarations, I am very certain, that their former way of thinking was, that the liberties of this country could not be preserved, unless some proper methods should speedily be taken for preventing the effect of ministerial corruption, both in parliament and at elections; and that the most proper and effectual method for this purpose, was to make elections as frequent as possible. This, I am sure, was formerly their way of thinking: I hope it is so still; but whether it is so or not, it is a right way of thinking, and therefore I shall conclude what I have now to say, with a motion for returning to our ancient method, of having a new parliament every year chosen. That this was our ancient constitution cannot be disputed, because it is so expressly declared by two acts of parliament in Edward the 3rd's reign, That a parliament shall be annually holden; and every one knows that long prorogations or adjournments were not then introduced or known: so that the meaning of both these laws must be, that a parliament should be every year chosen as well as held, which is the opinion of all those that have written upon the subject; and if we consider the nature and business of this assembly, it is certainly agreeable to reason it should be so.

The members of this House, Sir, are the great and general inquisitors of the nation: we are to take notice of, and to take proper methods for redressing all the grievances that occur, whether they be such as relate to the kingdom in general, or such as relate to the particular counties, cities, or boroughs we represent. Now, as grievances are almost annually occurring, and as some grievances are the more difficult to be removed, the longer they continue; therefore it is necessary we should visit our constituents, at least, once a year, to know their sentiments, and to examine, upon the spot, the grievances they complain of; but this is not to be expected, unless you make the elections annual; for we find by experience, that after gentlemen are once chosen for a long term of years, they fix their abode in this city, and seldom revisit their constituents, till it becomes necessary for them to go down to solicit their votes at a new election. Nay, since the establishment of Septennial Parliaments, we have often had gentlemen in this House, who never saw the borough that sent them hither, nor knew any thing of its constitution or interest, perhaps could not recollect its name, till they looked into the printed lists of parliament, for their own name, and there found they represented such a borough.

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Another part of our business, Sir, is to represent to our sovereign the sentiments of our constituents, with regard to the measures he is advised by his ministers to pursue, as well as with regard to the persons he employs in the executive part of the government. If we ever think of doing this faithfully and sincerely, we must visit our constituents at least once a year, because every year produces some new measure, and every year some new persons are introduced into public business. This, I say, is another part of our duty, and when it is faithfully or sincerely performed, it is of great advantage to the prince upon the throne, because it prevents his being led on in a track of unpopular measures, till both he and his ministers are overwhelmed in the torrent of popular resentment, which often happens in arbitrary countries, where the prince is tumbled headlong from his throne, before he knows any thing of his having pursued unpopular or wrong measures; whereas, had he had timely information, he might have restored himself to the love and affection of his subjects, by making a just sacrifice of his wicked counsellors to the resentment of his oppressed people. As the prince can have no interest separate from his people, his interest, if he rightly considers it, must lead him to gain the love and esteem of his people, and to avoid every thing that may give them discontent: it is, therefore, his interest to have always a House of Commons that knows, and will faithfully and speedily represent to him the complaints and grievances of his people; but this is directly opposite to the interest of his ministers. In all countries, and in this as much as any other, ministers have an interest separate from that of the people: they are for enriching themselves, their families, tools, and sycophants, at the expence of the people; and it is their business to keep all the avenues to the throne shut up against the complaints of the people, lest the prince should, as every wise one will, sacrifice them to his own security: ministers must, therefore, be for having always a House of Commons, that either does not know, or will not faithfully represent to their sovereign the complaints and grievances of the people; and as we are much more affected with what we see, than with what we only hear of, it is the business of a minister to prevent the members of this House, if possible, from ever seeing their constituents; because, the less we are affected with, the more easily we may be prevailed on to conceal from our sovereign, or even to misrepresent to him, the complaints of the people.

Thus, Sir, it is apparently the interest of the king, it is apparently the interest of the country, to have short parliaments, and frequent general elections; but it is apparently the interest of ministers, especially wicked ministers, to have parliaments as long, and general elections as seldom as possible; therefore, I hope, it will be granted, that annual parliaments are more agreeable to the reason of things, and the nature of our constitution, than parliaments of any longer duration; and of this we must be convinced even to demonstration, if we will but consider, that we are, properly speaking, the Attornies of the people. Is it prudent, is it reasonable, that any man should give a power of attorney irrevocable for a long term of years? Shall a whole people do what would be the height of foolishness in every individual? the people, or at least such of them as have any knowledge of public affairs, and by such the rest are generally governed; I say, the people may guess at what sort of business is to come before the next ensuing session of parliament, and they may chuse an attorney, who, they think, has capacity and integrity enough for transacting that sort of business for them: but they cannot so much as guess at what may come before parliament in a course of seven years, nor can they depend upon the continuance of any man's integrity for such a number of years. It is, therefore, most unnatural and unreasonable to force the people to give an irrevocable power of attorney for such a long term. The practice was first introduced under the reign of Richard 2, and was approved of by a parliament, that in every instance betrayed the liberties of the people they represented, and sacrificed the interest of their country to the violent passions of their sovereign, and the insatiable avarice of his ministers. They concealed from him, or misrepresented, the discontents and murmurings of his people; and thereby led him into a deceitful security, which soon ended in his ruin, and the advancement of the duke of Hereford, or rather Lancaster, to the throne, without any other title than that of having rescued the people from slavery.

This, Sir, was the fate of the prince who first introduced long parliaments; and therefore from experience, as well as reason, we may be convinced, that short par-

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liaments, and frequent general elections, are most for the interest of the king; but unluckily the interest of ministers lies, as I have said, upon the other side of the question, not only for the sake of preventing the members of this House from being affected with the cries and groans of the people, but for another reason, which is still more effectual for their wicked purposes; I mean, that of corruption. From the very principle adopted by all wicked ministers, that every man has his price, it is evident to a demonstration, that ministerial corruption may be more successful at elections when they are but rarely to happen, than when they occur annually; and that a minister may more probably obtain a corrupt majority in a long parliament than a short one.

To draw the comparison between Annual and Septennial Parliaments, and first with regard to elections. In every county, in every little borough of the kingdom, it must be granted, that there are some gentleman who have a natural interest; they are acquainted with and esteemed by the leading men in the county or borough; and many of the lower class, perhaps, support their families by the employment they have from such gentlemen and their friends. If elections were allowed to go in their natural course, such men only would be chosen, and of such those gentlemen would be chosen, who had the greatest natural interest; but against such an one a court candidate, with the treasury at his back, comes to set up, and to set up upon the ministerial principle, that every man has his price; which, for argument's sake, I shall allow to be a true one, and I am sorry it has of late years been so much confirmed by experience. Suppose then, that every one of the electors in this county or borough has his price; yet surely it will not be pretended, that all have an equal price, or that a man in tolerable circumstances will sacrifice his country, his friend, and his character, or a tradesman his employment, for what appears to him to be a trifle. We must therefore suppose, that a man whose price is seven guineas, will not sell his vote for one, nor will a man, whose price is 700, sell his vote for 100. Now, suppose the treasury could secure a majority in this borough for seven guineas a man, this they may spare to give for a seven years parliament, but cannot spare to give so much every year; therefore in Annual Parliaments this borough will return to, and be governed in its election by, what we call the natural interest, whereas, in Septennial Parliaments, it will always be governed by corruption.

I know it may be said, Sir, that a man who sells his vote for seven guineas to a septennial parliament candidate, will sell it for one to an annual parliament candidate; because he knows he may sell it for the same price yearly, and an annuity of one guinea yearly, is better than seven guineas every seven years; but this, I am convinced, will by experience be found to be false. It is the largeness of the sum that dazzles both the avaricious and luxurious, who seldom think of futurity: if they did, they would never sell their vote at any price; because, they know, that those who purchase must sell, and that by selling their votes they render not only their liberties but their properties precarious. Besides, no man can be assured of having an opportunity to sell his vote the next ensuing year, and much less can he be sure of selling it yearly for seven years to come: he may die before the next election: the administration may be changed, and a new one set up, that does not stand in need of corruption: a spirit may arise in his borough, that may render it impossible for any man to hope for success by corruption; and without hopes of success, no man will be at the expence of corrupting: many other accidents may happen for disappointing him of ever having another opportunity to sell his vote at an election; and if so, for the sake of one guinea, or some such paltry sum, he stands branded as long as he lives with the character of an infamous venal betrayer of his country. I therefore think, we may with great certainty conclude, that though a man may be tempted to sell his vote for seven guineas to a septennial parliament candidate, he will disdain to sell his vote for one guinea to an annual parliament candidate; and consequently that it is much easier for a minister to get the command of a majority of our elections, when they recur but once in seven years, than it would be, if they were made to recur annually.

Now, Sir, with regard to parliaments, by the same way of arguing we must be convinced, that it is easier for a minister to gain a corrupt majority in a Septennial than in an Annual Parliament. Here again it must be allowed, that different men have different prices; and that a man who will sell his vote in parliament for 7,000*l.* or even for 3,500*l.* would disdain to sell his vote for one thousand. Suppose, then, a

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minister should not trouble his head with elections; but trust, as a late minister wantonly said, to the "buying of the members after they were brought up to market;" and that by this means a majority had been chosen upon the country interest: in these circumstances, the minister must presently apply himself towards buying off such a number of that majority, as may be necessary to throw the majority upon his side of the question; and is it not evident, that in this attempt he may more probably succeed in a Septennial than in an Annual Parliament? In the former, if he offers a pension of 1,000*l.* or 500*l.* a year as long as the gentleman continues a member, it is immediately considered as a sum of 7,000*l.* or 3,500*l.* to be paid in seven years; but in the latter, it can be considered only as a single thousand, or a single 500*l.* because the gentleman who accepted of it, and upon that account deserted the interest on which he was chosen, would certainly be thrown out upon the next general election. The minister's success would therefore be evidently more precarious in the latter than in the former case; and the precariousness of his success would add to the difficulty of his attempt, because it would make gentlemen more shy than they otherwise would be, to accept of any offers he could make.

Thus, I think, Sir, it is evident, that ministerial corruption may be more prevalent in a septennial parliament, than it could be, were our parliaments annually chosen; and the mischief is, besides many others, that corruption within doors spreads corruption without. When a gentleman finds he can get 500 or 1,000*l.* a year for his vote in parliament, he thinks no more of improving or preserving his natural interest in his borough: he trusts to corruption alone for his next election; and the pension or salary he has from the public, enables him to outbid any gentleman who sets up upon the country interest, and has nothing but his own private fortune for supporting his expence. To this I shall add, Sir, that corruption within doors contributes not a little towards the success of ministerial corruption without. When a gentleman of family and fortune gets into parliament, let him vote there in never so abandoned a manner, he will still preserve some natural interest in that part of the country where his family has, perhaps, for ages, lived in great esteem: this natural interest is of course brought in aid of ministerial corruption, at all the elections in that country; and against these two joined together, it requires a very extraordinary and unusual spirit of liberty to carry any election.

For this reason, Sir, if our Septennial Parliaments be any longer continued, I shall not wonder to see the minister's Letters of Recommendation, with respect to the choice of any candidate, as implicitly obeyed in all our counties, cities, and boroughs, as the king's *Congé d'Elire* is now in the chapters of our episcopal cathedrals; and if this should ever come to be our case, I shall look with indignation upon every man who pretends to be a free Briton. The very pretence would be an insult upon the understanding of him it was addressed to. We should be all slaves: God knows to whom; but I hope, it never will be to any minister from Hanover. I say, I hope, it never will be to any minister from Hanover; though it is hard to tell what a corrupt parliament may not do, what a corrupt nation may not submit to. Happen what will, I am resolved, while I live, to endeavour to prevent such a dismal catastrophe; and therefore I shall conclude with moving "for leave to bring in a Bill to enforce the calling of a New Parliament every year, after the expiration of this present Parliament."

Mr. *Humphry Sydenham*:

Sir; the danger our constitution is in from corruption, has, by late experience, been made so evident, that if there be a gentleman amongst us who is void of any apprehensions of that kind, I shall very freely pronounce him void of all concern for the liberties of his country. I must therefore take it for granted, that every gentleman in this House is of opinion, that something ought to be done for preventing, or, at least, lessening the effect of ministerial corruption, both at elections and in parliament; and my hon. friend who made you this motion, has so clearly shewn, that Annual Parliaments will be the most effectual for this purpose, that, I think, I need not add any thing to what he has said upon that head. Indeed, the proposition is so self-evident, that it stands in no need of any illustration; and therefore, I shall confine what I have to say to the character and morals of the people. Sir, the better sort of people in this country have always, till of late years, been remarkable for their bravery, generosity, and hospitality, and those of inferior rank, for their honesty, frugality, and industry;

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These are the virtues which raised this nation to that height of glory, riches, and power, it had once arrived at; but these virtues are every one of them in danger of being utterly extinguished by ministerial corruption at elections and in parliament. For proving this, I have no occasion to appeal to any thing but experience. Under the late administration, the decay of every one of these virtues, and the causes of that decay, became so visible to every thinking man in the kingdom, that the whole nation, except the very tools of the minister, joined in putting an end to his power, and, thank God! with the help of a very extraordinary conjuncture at court, we, at last, in some degree, succeeded in our endeavours. For this reason, I say, I need not appeal to any thing but experience, for shewing what an effect public corruption has upon private, as well as public virtue; but as it may be proved by reason, as well as experience, and as I think it necessary to take advantage of every argument that can be thought of, for establishing the truth of this proposition, I shall beg leave to consider separately every one of the virtues I have mentioned, in order to shew, from the reason of things, how necessarily it must decay, in proportion as public corruption is introduced; and, first, with regard to courage or bravery.

Though courage or resolution, Sir, depends in some measure upon the nature or constitution of the man, yet it may be very much increased or diminished by custom and education, and especially by public rewards bestowed upon, or refused to those who have shewn any remarkable degree of it in the service of their country. In former times, and when we had an honest and wise administration, the chief method by which our nobility and gentry could recommend themselves to the esteem of their country, or the favour of their sovereign, was by their courage and military capacity; and the same consideration made them take notice of those that were in any station below them, which propagated a brave and military spirit among all ranks of men in the kingdom. In those days, our ministers did not desire any man in parliament to vote as they directed: they desired no man to vote but according to the dictates of his own conscience; and, therefore, they never thought of rewarding those who approved, much less of punishing those who disapproved of their measures in parliament. At election again, though a seat in parliament was always reckoned honourable, yet as it was in ancient times reckoned rather burdensome than profitable, there was never any violent competition at the election, and, consequently, the person chosen never thought himself much obliged to those who voted for him, nor did they so much as expect any favours from him upon that account alone. But no sooner did ministers begin to solicit the votes, instead of convincing the reason of the members of parliament, than they began to think themselves obliged to reward those who complied with their solicitation; and soon after this practice was introduced, a seat in parliament became profitable as well as honourable, which of course begot violent competitions at elections; and this made voters begin to claim a merit with those, in favour of whom they gave their vote at any election.

'Hinc prima mali labes'——

From thenceforth, Sir, the natural channel, through which all public honours and preferments flowed, began to be disused, and betraying our country to the will of a minister in parliaments or at elections, began to be the only channel through which a man could expect any honour or preferment. When this began, or whether it has not met with some interruptions since it first began, I shall not determine: but this I will say, that it never became so apparent as it did under the late administration; and I wish we may not fatally feel the consequences of it in the war we are now engaged in. The natural courage of Englishmen is not by any discouragements to be absolutely extinguished; but I wish it may not have taken a wrong turn: I wish we may not find, that the courage of our men is become rather an avaricious than an ambitious courage, and that men now seek to raise by their courage their private fortunes, rather than their own or their country's glory; for if that be the case, we may make good pirates or marauders, but we shall never, while this spirit remains, make good soldiers or seamen; and no man, I believe, can expect, that we should be able to put a glorious end to the war, either by piracy or marauding. Courage, Sir, like many other good qualities, becomes laudable only according to the use that is made of it, and the motives upon which it is founded; for a man who ventures his life with no other view but that of raising his own private fortune, differs from a common highwayman in no-

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thing but this, that the one plunders according to law, the other against it. When I say this, Sir, I hope it will not be thought, that I intend to reflect upon any of those brave men who have ventured their lives in taking prizes from the enemies of their country; for as they thereby weaken the enemy, it is a public service as well as a private advantage; and when the first of these motives is their chief inducement, which, I hope, it always is, with regard to the officers at least, they deserve the esteem and applause of their country. From such gentlemen we may expect an equal behaviour, where nothing but blows and triumphs are to be got from the enemy; but this is not to be expected from those who have nothing but the prize in view.

This sort of courage, which proceeds from sordid avarice, I have mentioned, Sir, only to shew, that we are not to suppose, that all the bold actions we read of in our Journals, proceed from that true and generous spirit of courage, by which our ancestors were actuated; nor are we to judge of the spirit of a people from what appears in their regular armies or navies, because a spirit of courage may for some time be preserved in the armies or navies of a country, after it has been industriously depressed among all other ranks of men. The only way to judge in this case, is, to consider the conduct and behaviour of the gentlemen of fortune in their country, the methods they take to recommend themselves to the esteem of their country, and the qualifications which recommend those of inferior rank to their favour; and from these considerations we must conclude, that the ancient spirit of the people of this nation is now almost entirely extinct. Do we now see any gentleman of fortune, who is not of the army or navy, endeavouring to recommend himself by his courage or military knowledge? Do we now hear of the armies of foreign princes being encouraged by the example of a crowd of English volunteers? Do we now hear of any gentleman's encouraging his tenants and servants to make themselves masters of military discipline, or conferring distinguished favours upon those who have shewn great courage and resolution upon any occasion? Few such examples are to be met with in our present story; and the reason is plain: all public favours are now bestowed upon voting, not fighting: if a man be qualified to vote, he has no occasion for any other qualification. And of late years, even in our army or navy, it has appeared to be the best qualification for entitling a man to preferment. We must therefore demolish this superstructure that has been raised by corruption: we must render it impossible for a minister to expect to gain a majority in parliament or at elections, either by bribery, or by a proper dispensation of places and preferments: I say, we must do this, if we intend to restore that spirit of bravery, by which our ancestors preserved their liberties, and gained so much glory to their country; and for this purpose nothing can, in my opinion, be so effectual as the restoration of Annual Parliaments.

Then, Sir, as to the generosity and hospitality of our nobility and gentry, every one knows, that by long parliaments, and corrupt elections, they have been banished almost entirely out of the country; for, I hope, it will not be called generosity, to give a country fellow, by express bargain, five or ten guineas for his vote at an election; and as little will it, I hope, be called hospitality, to make a county or a borough drunk, once in seven years, by way of preparation for an ensuing election. In former times, most of our noblemen and gentlemen lived at their country seats, where they often generously relieved such of the poor in their neighbourhood as were in any real distress; and they daily entertained their friends and neighbours at their houses, not with luxurious and extravagant feasts, but with a plentiful and hospitable table. By these methods they recommended themselves to the favour of their county, or of some neighbouring city or borough; and in return, if they desired it, they had sometimes the honour conferred upon them of representing it in parliament, which being but of short duration, it never induced them to think of altering their method of living, or of leaving their seat in the country. But since the introduction of septennial parliaments, and with them, of course, the practice of downright bribery at all elections, this method of living has been entirely altered, and no wonder it should be so; for suppose a gentleman to have lived in the most generous and hospitable manner in his county, or in the neighbourhood of his borough: suppose such a gentleman sets up for their representative: down comes a courtier with his pockets full of public money, and offers the electors, or such of them as will vote for him, seven guineas a man: by such an offer the coun-

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try gentleman's friendship, his generosity, his hospitality, are all at once effaced out of the memories of most of them, and he is thereby defeated of his election. Is it not natural for such a gentleman to resolve, not to put himself any more to the trouble and expence of being generous and hospitable? The favour of his countrymen he sees must be purchased, not won: therefore he resolves to contract his expence, in order to prepare the proper ammunition for the next election; and if he succeeds, being then assured of his seat in parliament for seven years, and sensible that living in the country can be of no service to him in any future election, he retires with his family to London, and resolves to depend upon bribery alone for his success in every future election.

Thus, Sir, an end is put to the generosity and hospitality of that gentleman, and thus an end has already been put to the generosity and hospitality of most of the noblemen and gentlemen of the kingdom; but this is not the only evil, for this change of a country life into a town life, has introduced a new sort of expence, which is of the most pernicious consequence to the kingdom in general, and to the landed interest in particular. By the ancient country hospitality a great deal was, it is true, consumed, but the consumption was all our own: almost the whole, excepting a few spiceries, was the produce of our own farmers; whereas the expence attending a town life, is mostly laid out on things of foreign importation, and most of them of such a nature as tend to deprive us of every good quality we have left amongst us. One modern polite supper in town, with a set of Italian musicians to entertain the company, will now cost as much, as would formerly have hospitably entertained a whole county for a week; with this difference, that the expence of the latter centered chiefly in the pocket of the neighbouring farmers, whereas the expence of the former centers chiefly in the pocket of foreigners, and those foreigners, perhaps, who are our most dangerous enemies.

When I consider this, Sir, I do not wonder at the heavy complaints we hear among the farmers in all parts of the kingdom, for want of a market for their goods, nor do I wonder at so many of them becoming bankrupt. A man of fortune, who lives in London, may, in plays, operas, routs, assemblies, French cookery, French sauces, and French wines, spend as much yearly, as he could do, were he to live in the most hospitable manner at his seat in the country. But will any one suppose, there is as much malt, meat, bread, or poultry consumed in his family? Will any one suppose, that the poor, or even the farmers and tradesmen in the neighbourhood of his country seat, consume as much, when they have nothing but what they take from their own table, as when they had his hall to feast in? What a diminution then in country consumption must the retiring of one great family make? What a distress must be brought upon a county, especially if remote from London, when all its rich families repair to live constantly in this city? Sir, the fatal consequences brought upon our land estates, by thus tempting our rich families to live constantly in London, are so glaring that I shall wonder to see any landed gentleman in this House oppose the motion; and if any of them do, I shall be very apt to suppose, they have some other income, less honourable, though, perhaps, more punctual; for that Annual Parliaments would send most of our rich families to the country, and restore our ancient generosity and hospitality, is a question that can admit of no dispute; because no gentleman could then preserve his interest in his county, city, or borough, but by going to live amongst them; and if by neglecting to live there, he should be turned out of parliament, I believe, the most courtly dame could hardly prevail upon the most uxorious husband to live in London, after having nothing to do there but to see her play at quadrille.

I now come, Sir, to those good qualities or virtues, for which the inferior rank of our people were formerly very remarkable; these I have said to be honesty, frugality, and industry; and as to every one of these, the manners of our people have been very much altered by the introduction of Septennial Parliaments, and the corruption and violent contests at elections, which have thereby, of course, been propagated through the whole kingdom. With regard to the honesty of the people, perhaps an instance may here and there be found of a man who acts honestly and fairly in private life, and yet has made it his practice to sell his vote at all elections to the best bidder; but I will say, that such a man's honesty proceeds more from his fear of the gallows than from any natural disposition; and it is well known, that few men jump at once into the height

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of wickedness. They generally begin with little venial sins, and move by degrees to the most aggravating crimes. Do not most of the wretches that suffer at Tyburn tell us, that they began their wicked courses with a breach of the Sabbath? This is none of the most heinous sort of crimes; but the danger consists in the first encroachment upon conscience; for being once got into a wicked course, they seldom stop at the threshold. In the same manner, a man who sells his vote at an election to a candidate who, he thinks, will sell his country in parliament, must be sensible he has committed a crime: in so doing he certainly acts against his conscience, and, by this means, his acting against his conscience becomes familiar to him, which prepares him for the committing of any crime he thinks he may be safe in; and then if he commits no crime in private life, it is not for want of will, but for want of opportunity: he is honest, just as some women are chaste, only because they never had an opportunity to be otherwise. The only difference is, that he becomes wicked by custom, whereas they are so by nature. We should therefore, in order to preserve the honesty of our people, prevent, as much as possible, a man's being tempted to sell his vote at an election; and the best method for doing this, will be to restore Annual Parliaments, because no candidate will then be at the expence of corrupting, especially as he cannot expect to be corrupted by a minister after he is chosen.

Now, Sir, with regard to the frugality of the people, we know by experience, that what people get by selling their votes at an election, is generally spent in extravagance; and being once led into an extravagant manner of living, few of them ever leave it, as long as they have a penny to support it. By these means they are led into necessities, and having once broke in upon their conscience, by selling their vote at an election, they are the less proof against those temptations they are exposed to by their necessities: so that, I am persuaded, many a poor man in this kingdom has been brought to the gallows by the bribe he received for his vote at an election. Besides, as all the little places under the government have of late been bestowed upon pliable voters at elections, without requiring any one other quality to recommend them, such voters generally dissipate their own substance, in hopes of being afterwards provided for by some little place in the government: and, by the example of such voters, many of their neighbours are led into the same extravagant course of living, which, I believe, is one great cause of that luxury, which now so generally prevails among the lower sort of people.

The same causes, Sir, that promote the people's extravagance, prevent their being industrious. Whilst a little country freeholder or tradesman is spending in extravagance, his infamous earnings at an election, he disdains to think of honest industry or labour; and being once got out of the road of industry, many of them can never find their way into it again. If such fellows are not provided by the court candidate, who was chosen by their venality, with some little post in the government, which all expect, but few are so lucky as to meet with, they soon become bankrupt, are thrown into prison, and their families become a burden upon the country which they have sold and betrayed. This is the fate of most of them: and as to those who happen to be provided for, their good luck is of the most pernicious consequence in the neighbourhood, because it encourages others to become venal, in hopes of meeting with the same good fortune; for, in this case, it is the same as in a lottery: people overlook the thousands that are unfortunate, and take notice only of the happy few that get the great prizes: if it were not for this unaccountable humour in mankind, no man would be an adventurer in a lottery: no man even in this corrupt age, would sell his vote at an election. But whilst this humour remains, which it will do as long as the race of man subsists, there will be adventurers, there will be sellers: there is no preventing it but by demolishing the market: and this, I think, will be the effect of the Bill now proposed to you, if it be passed into a law: it will demolish the market of corruption both in this House and at every election in the kingdom; for ministers will not then corrupt, because they can expect no success by corruption; and though little contests may now and then happen among country gentlemen, yet they will never be so violent as to occasion corruption on either side of the question.

On the contrary, Sir, I believe, very few contests will ever happen among the country gentlemen; for in every county, city, and borough in the kingdom, the chief families will come to a compromise amongst themselves, and agree to take

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the honour by turns of representing it in parliament. No man will grudge his neighbour the honour for one year, when he knows, he is to have the same honour the next year, or in a year or two after; especially when that honour is to be attended with no expectation of any post, place, or pension from the crown, unless he can recommend himself to it by some other qualification. Whereas, when a gentleman is to be chosen into parliament for seven years, and when his being a member, without so much as the appearance of any other qualification, is known to be sufficient for recommending, or rather intitling him to some place of great profit under the crown, I do not wonder at his often meeting with a violent opposition. The length of the term makes any such compromise as I have mentioned impossible, which of course creates him antagonists among those who are only ambitious of the honour; and the expectation of advantage creates him antagonists among those who are resolved to make their market. This generally begets a violent opposition, and if the antagonist be one of the latter sort, he generally has recourse to bribery; for as he is resolved to sell, he makes no scruple to purchase, if he thinks he can purchase for less than he may sell.

These, Sir, are the causes why we find such violent contests about elections to Septennial Parliaments; and as all these causes would cease the moment we made our parliaments annual, I think, it is next to a demonstration, that in elections for Annual Parliaments there could be no violent opposition, and much less any bribery or corruption. Therefore, if we have a mind to restore the practice of those virtues, for which our ancestors were so conspicuous, and by which they handed down to us riches, glory, renown, and liberty, we must restore the custom of having parliaments not only annually held, but annually chosen. It was a regulation restored and established by one of the greatest and wisest princes that ever swayed the scepter of this kingdom; and no one can say, that this regulation is inconsistent with the state of war we are now in, or may be in at the end of this present parliament: for I am far from pretending to determine, that the war will be sooner at an end. On the contrary, I am afraid, it will last much longer, unless we be obliged to put an end to it by an inglorious peace; but this can make no difference, for when the first law for annual parliaments was passed by Edward the 3rd, the kingdom was in a most violent ferment, on account of seizing the queen-mother and her favourite Mortimer; and when the second law for the same purpose was passed by that prince, he could not be said to be in a state of perfect tranquillity: for though the war in France had some time before been brought to a happy period by the treaty of Bretigny, yet the war in Bretagne continued, and even that treaty remained, as to many parts of it, unfulfilled.

Having mentioned two laws passed in the reign of Edward the 3rd, for establishing Annual Parliaments, perhaps some gentlemen may imagine, that the first law which was passed in the 4th year of that king's reign had run into desuetude, and that, therefore, it became necessary to revive and enforce it by the new law for the same purpose, which was passed in the 36th year of his reign: but this, Sir, was not the reason that made it necessary to pass a new law for that purpose. Our lawyers have always been ingenious in contriving how to evade the most express laws, especially when by such evasion they could favour the power of the crown. The words of the first law were, that, "a parliament shall be holden once a year, and oftener, if need be." A man of common understanding would conclude, from these words, that by this law the king must hold a parliament once a year at least, and that he might hold it oftener, if he found it necessary; but the lawyers found out, that the words, "if need be," related to the first part of the law, as well as the second, and that therefore the sense of the law was, that a parliament shall be holden once a year, if need be, or oftener, if need be; by which they left it in the power of the crown to hold a parliament as often or as seldom as it pleased, and thereby rendered the law of no manner of effect. Therefore, to prevent the crown taking advantage of this evasion, a new law was made in the 36th of that king, who never refused to grant his subjects what laws they thought necessary for securing their liberties, by which it was enacted, "that a parliament shall be holden every year." This set the invention of our lawyers again to work, and they were not long in finding a new evasion; for in the very next reign, the method of prorogation was introduced, and by that means our liberties were even then

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brought into the utmost danger; for a parliament chosen by illegal methods, and continued by a prorogation, surrendered our liberties into the hands of the crown; and if the Bill now proposed be not agreed to, some such parliament may again do the same, or something that is tantamount: with this difference, that the crown has now a regular, well-disciplined army to support its encroachments, and the people have neither arms nor discipline for enabling them to rescue their liberties out of the hands of such a king, and such a parliament.

When we consider this, Sir, we ought to be the more jealous of the independency of our parliaments; because, if our liberties should be given up by a dependent parliament, it would be very difficult, if not impossible, for the people to rescue them by arms, as they did in the reign of Richard the 2nd. This makes me the more sanguine for the Bill now proposed, and, for this reason, among many others, I conclude with seconding the motion.

Sir *William Yonge*:

Sir; when the hon. gentleman, who made you this motion, began first to unfold his design, I little expected, he was to conclude with such an extraordinary proposition as that for Annual Parliaments. He, indeed, very soon undeceived me; for when he began to talk of annual elections, I presently perceived what he was driving at; but, methinks, if he intended, as he said, to make a trial of some of his old friends, he had done better to keep to the usual motion for repealing the Septennial Bill, and restoring Triennial Parliaments; for though some of them have formerly declared against Septennial Parliaments, I never heard any of them declare for Annual; and, therefore, they may oppose this motion, without shewing any inconsistency of conduct, or giving any one room to say, that their change of circumstances has produced a change in their sentiments. If he had moved for restoring Triennial Parliaments, he might, probably, have laid some of his old friends under a difficulty; because they have been heard to declaim powerfully in this House in support of that motion; and though I am far from thinking it an imputation upon any man's character, to alter his sentiments on any subject, yet the pride of human nature is such, that no man likes to confess he has been mistaken, or to argue against what he has, upon former occasions, supported; and, I am persuaded, that some of the gentlemen who have formerly appeared as advocates for that motion, are now fully convinced, that even Triennial Parliaments would be absolutely inconsistent with the peace and happiness of their country in its present depraved situation. They would therefore have been under some difficulty, if the motion had been for restoring Triennial Parliaments; but as the motion is for Annual Parliaments, they can be under no difficulty, nor can they be brought to any trial by such a motion.

As for my own part, Sir, I have always opposed the restoration of Triennial Parliaments, and consequently must be against Annual. Triennial Parliaments would, in my opinion, be the cause of great disturbances, but Annual would be the cause of absolute confusion. Whether we ever had such a thing as parliaments annually elected, is a question too learned for me to determine: it is a question which I shall never dive into for two reasons: first, because I hate poring over musty and obscure records; and secondly, because I think the question is now of no importance; for supposing we had such a thing in former ages as annual elections, the thing is now become absolutely impracticable, by the great change that has happened in our circumstances. In former ages, a seat in parliament was so far from being thought advantageous, that it was thought very burdensome upon the person chosen: it was so far from being contended for, that it was by many industriously avoided, and was therefore reckoned one of those public offices which a man was obliged to serve, if he happened to be chosen. Frequent elections could therefore in those days occasion no disturbances in the country; but in these our days, every one knows the violent contests that are raised in our counties, and many of our populous cities and boroughs by a general election, especially when party spirit happens to run high, and the opposite candidates are pretty nearly equal. These contests are even at this time so violent, that the peace of the country is often in danger of being disturbed: how great, how certain, then would the danger be, if the heats and animosities raised upon such occasions had no time to subside? It was this danger chiefly that was the occasion of substituting Septennial Parliaments in the place of Triennial: many of us may remember the mobs and riots that were

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occasioned by the last two general elections in the queen's reign, and the first after his late majesty's accession. They were such as must make every man tremble that has any regard for the tranquillity of his country; and as I am old enough to have a very lively and a very terrible impression of them in my mind, I am sure, I shall never be for repealing or altering any of those wise regulations, by which a happy and a seasonable period was put to them.

Supposing then, Sir, that there were no prorogations in the reign of Edward the 3d, that a parliament was then annually held, and that that parliament was annually chosen; and suppose that king to have been, as, I believe, he really was, one of the greatest and wisest princes that ever swayed the sceptre of this kingdom, yet this is no argument for our doing what he did with respect to parliaments. It might then have been the height of wisdom, and yet now it may be, in my opinion it would be the height of madness; because it would certainly be attended with great danger, and is neither necessary, nor proper for answering the ends proposed. I say, Sir, it is not necessary, because in a Septennial Parliament we may answer all the ends of our institution as well as in a Triennial or Annual. We are, it is true, the great and general inquisitors of the nation, and consequently are to take notice of, and to lay, in a proper manner, before our sovereign, all public grievances, as well as those which affect particularly the places we represent; but cannot we do this in Septennial Parliaments which meet annually, as well as in parliaments that are annually chosen? Supposing it true, that some members never see their constituents from the time they are chosen, till they return to solicit their votes at a new election, which, I believe, is very rarely the case; is there not, or may there not be a constant intercourse by letters? Are not all letters from or to members of parliament made free of postage for this very purpose? And may not a member of parliament be by letters as fully informed of the sentiments and grievances of his constituents, as if he were present among them? As to those grievances which affect the country in general, he can know them no other way but by letters, for he cannot be present in every part of the kingdom; and a member, whose constant residence is in London, has a better opportunity of being informed and judging of such grievances, than one who resides mostly at his seat in any remote part of the kingdom.

As to our duty in parliament as inquisitors, therefore, we may perform it as well in a Septennial as in an Annual Parliament, if the former meets regularly once a year, and continues sitting till they have finished all the material business brought before them; and as to our duty with respect to our sovereign, surely, Sir, we may perform that duty, we may give our sovereign the fullest information as to the sentiments of our constituents, without going down to live among them, because, as regular posts are now established to every part of the kingdom, we may keep a constant correspondence with our constituents, and may know their sentiments of all public measures by their letters, with more certainty, I think, than we could do by their conversation. Therefore, if the members of a Septennial Parliament neglect to inform their sovereign of the murmurings among the people, or if they misrepresent to him the sentiments of the people, it cannot proceed from their ignorance, but from some other cause, which would have the same effect in an Annual as it has in a Septennial Parliament.

Upon this occasion, Sir, as upon many others, the word Attorney has been artfully brought into the debate, as if the members of this House were nothing more than the attornies of the particular county, city, or borough, they respectively represent; but every one knows, that by our constitution, after a gentleman is chosen, he is the representative, or, if you please, the attorney of the people of England, and as such is at full freedom to act as he thinks best for the people of England in general. He may receive, he may ask, he may even follow the advice of his particular constituents; but he is not obliged, nor ought he to follow their advice, if he thinks it inconsistent with the general interest of his country. He is in some respects, therefore, the attorney or servant of the people, in the same manner as an elective king or chief magistrate is the servant of the people; and there is no greater absurdity or impropriety in chusing a representative for a long term of years, than in chusing a king or chief magistrate for a long term of years. In both cases, I shall grant, it is an inconvenience, and that the people have often cause to repent of the choice they have made, before the expiration of the term; but this inconvenience must be submitted to for the sake of avoiding a much greater,

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I mean the continual disturbances that would be occasioned by frequent elections, and the fluctuation in all public measures, that must necessarily ensue from a frequent change of public magistrates or representatives.

It is therefore, Sir, neither unnatural nor unreasonable to force the people, for their own quiet, and for the good of their country, to give an irrevocable and unconfineable power of attorney to their representatives for seven years; nor is a Septennial election any more the cause of corruption than a Triennial or Annual. Corruption, Sir, does not proceed from the length or shortness of the term for which parliaments are chosen, but from the nature and circumstances of the people; for as to the maxim, that every man has his price, if it be generally and without any exception affirmed, I will positively deny it. In all countries, and at all times, there are some men, whom no price, no consideration, will tempt to do what they think a wrong or dishonourable action. In some countries, the number of such men is much greater than in others; and in the same country, the number of such men differs very widely at one time from what it does at another. Even among the most abandoned people, a disinterested spirit sometimes arises, that will make the generality of them spurn away the highest bribe, though offered in the handsomest manner. It is upon the prevalence or weakness of this spirit that corruption must always depend; for when this spirit generally prevails at any time or in any place, let the corruptor, or the person whose business it is to corrupt, have never such an extensive command of money, or other fund for corruption, he dare not attempt to corrupt. His attempt would certainly be discovered, perhaps by the first man he attempted, or at least before he could carry it any length, and such a discovery would, among such a people, be an immediate and irrecoverable defeat: it would render him so odious, that he durst hardly appear any more among them: at least it would ruin his credit and his interest for ever. Among a virtuous and brave people, a corrupter must expect the same reception, that a known pimp or bawd would meet with in a company of modest women; and therefore I must conclude, that corruption neither does nor can proceed from the length or shortness of the term for which the members of parliament are chosen, but from the nature and circumstances of the people. If the people are in their nature uncorrupt, there will be no corruption in Septennial Parliaments: if the people are generally in their nature corrupt, there will be corruption in Annual Parliaments: so far from putting a stop to, or lessening corruption, by shortening the term, in my opinion, you will either increase it, or put an end to your government; and to prove this I shall suppose what, I hope, is not the case, that the people of this kingdom are generally of a selfish and corrupt nature, that no man minds the public interest, and that every man has, in every part of his conduct, some private scheme chiefly in view.

This, Sir, would be a melancholy case, indeed, but for argument's sake I shall suppose it to be the case, and in this case let us consider, what would be the consequence of introducing Annual Parliaments, first with regard to the members, and next with regard to the electors. As to the members, it must upon this supposition be admitted, that no man gets himself chosen a member, but with a view to his private interest. This private interest must consist, either in getting or preserving a post or pension under the then administration, or in overturning that administration, in order to get a post or pension under some new one. If his view be to get or preserve a post or pension under the then present administration, he will support that administration, and approve of all its measures, whether they be right or wrong, provided his own private fortune, if he has any considerable one, be not thereby brought into immediate danger; and if his view be to get a post or pension under some new administration, he will oppose the present in all its measures, whether they be right or wrong, in order to compel the crown to dismiss its present ministers, and to put the administration into the hands of him and his patriot friends. I say patriot friends, Sir, for I have long observed, that modern patriotism consists more generally in a violent opposition to the then present set of ministers, than in any real concern for the interest and happiness of our country. What then in this case would be the consequence of Annual Parliaments? Why, Sir, either our ministers must not only multiply the posts and pensions granted by the crown during pleasure, but increase the profits of each, both which they will certainly do if they can, in order to preserve a majority in parliament, or otherwise; if they cannot by this means secure a majority in parliament, we must have a

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new administration, and consequently new measures of some kind or other, every session of parliament. In the first case, corruption would be increased: in the last, confusion would be introduced.

Now, Sir, with regard to the electors: if there must be an increase of corruption in our parliament, or confusion in our government, I think, it does not signify much, whether the electors be corrupted or no; but if corruption in parliament be increased, can we suppose, that corruption at elections would be diminished by the introduction of Annual Parliaments? the bribes would not, I shall grant, be so high, but they would be much more frequent, and would, consequently, become more familiar to the people; therefore, if it be possible to make the people more corrupt than they are, the establishing of annual elections would be the most effectual method we could take for doing it. The gentlemen who argue for such elections, seem to be under a very great mistake: they seem to think, that it is the highness of the price that corrupts, whereas, I think, and am certain, that corruption proceeds from the nature of the man, and not from the largeness of the price that is offered. A man of a corrupt heart is like a merchant that must sell his goods, and has no market but one to sell them at: if he cannot get the price he demands, he must accept of that which is offered: a corrupt man must, and will sell his vote: he has no other market for it, but the election for the county or corporation of which he is a member: he, therefore, must, and will sell it there at a low price, if he finds he cannot get a high one. If, indeed, he has another interest in view, the case will be different: for example, if he has employment from one candidate, and is offered a bribe by another, he will naturally consider, which is of the highest value, and will of course refuse the bribe, if he thinks it of less value than his employment; but he is never a bit the honester man, nor can such a man's vote be ever of any service to his country, because it never will be directed by the public interest.

I therefore think it certain, Sir, that all but those who have, and consider that they have a private interest to lose, by accepting of a bribe, will accept of what is offered at an annual election, as well as a septennial; and as to those who have, and consider that they have a private interest to lose, I must repeat what I have said, that in order to prevent our government's running into confusion, parliamentary corruption must be increased, and, consequently, greater bribes in proportion will be offered at elections. A candidate, who would give seven guineas a man at an election for a Septennial Parliament, would not, it is true, give the same sum at an election for an Annual; but as the profits he makes by his vote in parliament must, in Annual Parliaments, be increased, he will give, and may spare to give more in proportion. He will not give seven, but he will give, perhaps, two guineas a man at an annual election; and those voters who have a private interest to lose, and are so considerate as to weigh that private interest against the value of the bribe offered, will certainly consider, that an annuity of two guineas a year for seven years, even though subject to some contingencies, is better than seven guineas in hand, without so much as a probability of receiving more for seven years to come; therefore, a greater number of such voters will accept of two guineas a man at an annual election, than would have accepted of seven guineas a man at a septennial election; and, consequently, it is apparent, that by the introduction of Annual Parliaments, without altering the nature of the people, you will either throw the country into confusion, or increase corruption both in parliament and at elections.

Gentlemen will, I hope, remember, Sir, that my argument is founded upon the supposition of the people being generally in their nature corrupt; and if they are so, will the introduction of Annual Parliaments any way tend to purify their nature? Sir, by rendering corruption frequent and familiar to the people, you will corrupt the few, if you have any, that are as yet undefiled. We may then have reason to say with the Psalmist, "They are all gone aside, they are all together become filthy." But this, Sir, neither is, nor, I hope, will ever be the case of the people of this nation. There is, I hope, a great majority of them who would be ready to sacrifice their private interest to the public, and very few, I believe, who would accept of any bribe, or who, for any private consideration, would betray or give up the liberties of their country. A man of any property would certainly be a most egregious fool to do so; because he would thereby render precarious not only the infamous price he then receives, but the property he was before possessed of.

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When our liberties are in no danger, and in questions of a difficult and disputable nature, there may be some gentlemen in this House, though, I hope, there are none at present, who will oppose the ministers in all such questions, if they are not engaged by a place or pension to join with them; but in questions which evidently appear to be against the interest, or inconsistent with the liberties of their country, even such gentlemen will disdain, for any consideration, to join with the ministers; or if a few of them did, their number would be so small, that it would add but very little strength to the ministerial party. In the same manner, when our liberties are in no danger, and when two contending candidates are equal in character, both as to their capacity and integrity, there may be in every place some voters, who will be selfish enough to be determined in their choice by a little ready money, or by some other private consideration; but if the court were pursuing measures that evidently appeared to be against the interest, or inconsistent with the liberties of the nation, there are few or none even of such voters, that, for any private consideration, would vote in favour of a court candidate.

This, Sir, I am persuaded, is truly the case of the people of this nation at present; and while this is the case, corruption can never do us any real prejudice, or be of any dangerous consequence. It may now and then be of service, and even necessary, for blunting the edge of faction; but it can never support an administration who are pursuing measures that are apparently against the interest, or inconsistent with the liberties of the nation. While this is the case, therefore, our liberties can never be in any danger from corruption; and if the case were otherwise; if the people were in their nature as abandoned as I have before supposed, an annual election could be no security for our liberties: such elections could no more secure the liberties of England, than they did of old the liberties of Rome; for in the commonwealth of Rome their elections were annual: nay, they continued so even after the establishment of their empire: but neither in the establishment, nor in the continuance of their empire, were their elections governed by corruption alone. Almost at every election, for some time, in that profligate and corrupt city, violence was made use of as well as corruption; and the same methods must, I believe, be made use of, before any free government can be overturned; for if a people be free, let them be never so abandoned, I do not believe, they can be choused out of their liberties by corruption alone. Force must be made use of as well as corruption; and therefore, whilst no force is attempted, either in parliament or at elections, we have no occasion to be under any apprehensions as to the security of our liberties or constitution.

Now, Sir, as to the manners of the people, which according to the hon. gentleman who seconded this motion, have suffered greatly by the establishment of Septennial Parliaments, I shall begin with this general observation, that if corruption should be increased by the introduction of Annual Parliaments, as I have, I think, demonstrated it would, the manners of the people would suffer more by Annual Parliaments than ever they did by Septennial. But to come to particulars, and first, with regard to the courage or military capacity of the people, I hope, it is as good as ever it was: we have had many instances in the present war for proving that it is so. Both our soldiers and our sailors are as brave as ever they were, or, indeed, can be; and, I believe they are both more expert in their business than they ever were heretofore. I shall grant, that the same spirit does not now prevail among our country gentlemen; but this does not proceed from any thing relating to the constitution of parliaments: it proceeds from the abolishing of military tenures, and the new method of forming armies. Since all tenures have been turned into free and common soccage, and since our armies have begun to be always formed of what we now call regular troops, country gentlemen have no occasion to breed themselves soldiers, or to learn military discipline. Their natural courage is as good as ever; but no man will be at the pains or expence to make himself master of a qualification, which, in all probability, he may never so much as once in his whole life have occasion to make use of.

Upon this occasion, Sir, the hon. gentleman was pleased to say, that in former times, courage and military knowledge was the only recommendation to all honours and preferments, and that voting with the ministers in parliament, or at elections, had then no merit, because it was what men were in duty to their country bound to do, if they thought the mi-

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nisters in the right. When this golden age existed, Sir, or if it ever did exist, I am sure I do not know: if it ever did, I am apt to think it was, "Sub Jove, sed Jove nondum Barbato."—I shall grant, Sir, that in the disposal of offices and preferments, ministers ought to consider only the qualifications of the several candidates, without any regard to parliamentary merit; but we are so apt to judge partially in favour of our friends, that ministers will always think a man who has befriended them in parliament the best qualified; and as ministers must have the approbation of parliament, and must therefore wish to have their friends prevail at all elections, I am afraid, that the supporting of their measures in parliament, and their friends at elections, will always be, as it has always been, a sort of merit that will have great weight with ministers. This is an inconvenience we must submit to, as long as we have parliaments; but it can never do any great mischief, for if a minister has a due regard to his friend or himself, he will never prefer him to a post he is utterly unfit for, and therefore, I cannot think it has ever been of any bad consequence either in our fleet or army. In both we find, I shall admit, that gentlemen who have a seat in parliament, rise faster than those that have not; but as such gentlemen are generally of the best fortunes and families in the country, it is fit it should be so, and will be so in all countries where there are men of fortune and family; so that there is no avoiding of this, but by having recourse to the Turkish form of government, which, I believe no gentleman in this House will recommend.

But suppose, Sir, that the great regard which has been shewn to what we call parliamentary merit, had been a discouragement to the military merit of the gentlemen of our fleet and army, would this inconvenience be removed by substituting Annual Parliaments in the place of Triennial? The more difficult you make it for a minister to have his measures approved of in parliament, the more regard and deference he must shew to the members: the less able will he be to refuse the suit of any member. When there is in parliament a great majority inclined to support the measures of the administration, a minister may refuse granting a commission in the army or navy to a member, if it be claimed by another officer who is better entitled, or better qualified; but when there is no such majority, when divisions in parliament come to within three or four of an equality, a minister will refuse a member nothing he can grant, for fear of provoking him to join the opposition. I talk, Sir, of men as they practically are, and not as in theory we may think to make them; for while men are men, I am afraid, we shall find, that ministers will consult their safety, and members will pursue their resentment, even though their country should thereby suffer. A minister's safety consists in securing a majority in parliament, and a member will resent the denial of his suit, let his suit be never so unreasonable. I have therefore good reason to be of opinion, that if military merit has been discouraged by Septennial Parliaments, it would be much more so by Annual; but I cannot think, this has been the effect of Septennial Parliaments, because our ministers had generally a great majority upon all divisions, and consequently had no occasion to be afraid of disobliging a member, by refusing him any suit they thought unreasonable, or inconsistent with the public service.

I hope I have shewn, Sir, that neither the courage nor military spirit of the people has suffered the least diminution by Septennial Parliaments; and that, if it has, it will suffer a great deal more by the establishment of Annual Parliaments. Now, with regard to the generosity and hospitality of our nobility and gentry: their generosity is the same, I hope, as it ever was; and when they are with their families in the country, their hospitality is no way short, but rather exceeds what it was in ancient times. I shall grant, that more of them live now in London, or they live more constantly in London than in former times: but this proceeds from the humour of the present age, and not from our parliaments being septennial; for though the first parliament of king Charles the 2d, was continued for near three times seven years, yet it did not bring up many of the members to live constantly in London; whereas now we see many of our gentlemen who are not members, have brought up their families, and live constantly in London, and many of the lords and rich gentlemen in Ireland, are come over with their families, and live constantly in London. For such humours or fashions it is often impossible to assign a reason; but for this several reasons may be assigned, besides that of Septennial Parliaments. The great increase of Chancery suits may be one reason; for as such suits are very sel-

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dom ended in a few years, when a gentleman engages in one, it is very natural for him to bring his family to London, that he may attend his suit the more closely, and likewise, that he may retrench his way of living, in order to save money for defraying his law charges. Another reason, and, I believe, the principal one, is, the many lucrative places and employments now in the disposal of the crown, and the multiplicity of solicitations for obtaining them; so that there is hardly a gentleman of any family in the kingdom, who has not some such solicitation upon his hands either for himself or some of his relations; and in order to render these solicitations the more successful, many gentlemen resolve to leave their country seats, and take up their residence in London. To this we may add, that many having run themselves behind hand by their too great hospitality, bring their families to London in order to save money, by living in a retired manner.

Lastly, Sir, with regard to the honesty, frugality, and industry of the inferior sort of people, I am surprized to hear it suggested, that any of these good qualities would be improved or preserved by annual elections. This suggestion is founded upon two suppositions, which would both soon appear to be false. It is supposed that annual elections would put an end to corruption both in parliament and at elections, whereas I have shewn, that if the people be generally now of a corrupt nature, by annual elections you would increase and disperse corruption much more than at present, or otherwise our government would run into confusion; and if the people be not now of a corrupt nature, we have nothing to fear from any little corruption that may be amongst us: it may be of service to the government against faction, but can never be of any dangerous consequence to the liberties of the people. The other supposition is, that if our elections were annual, they would not be so warmly or violently contested as now they are septennial. This, likewise, would soon be found to be a very great mistake. What is it that occasions those hot and violent contests about elections? It must either be the general interest of the nation, or the particular interest of the respective candidates. The general interest of the nation would be the very same under Annual as it is under Septennial Parliaments, and consequently, the contests thereby occasioned would be equally violent, but much more frequent; and as to those contests that proceed from the particular interest of the respective candidates, let us consider how that interest is founded: it can be founded upon nothing else but the hopes of getting, or the fears of losing a good place under the government. In short, it is always founded, with regard to one party, upon the hopes of getting into the administration, and with regard to the other party, upon the fears of being turned out of the administration. If the party that is out think they have a good chance for getting a majority of their party chosen into the next parliament, they will every where contend with the utmost eagerness for being chosen, because if they succeed, they know they can force the crown to take them into the administration; whereas, if they have no such chance, none of that party will contend with any eagerness, or be at any pains about their election, because they think, they have no chance for getting any thing by being chosen. It is this collision of parties that raises those violent heats and animosities at elections; for we never find such heats and animosities at elections, where the contending candidates are of the same party: and if you weaken the hands of the ministers, as you suppose you will, by introducing Annual Parliaments, will you not give the party that is out a better chance for gaining a majority in the ensuing parliament; and will not this make them contend with the greatest eagerness at every election?

From hence, Sir, I think, it is evident, that at annual elections the contention will be more violent than it ever was at septennial elections. In every county, in every city and borough of the kingdom, the candidates will be every summer treating and bribing the electors, feeding the mob in idleness, and rendering them extravagant and riotous by drunkenness. Would this contribute to increase or preserve the honesty, the frugality, or the industry of the inferior rank of people? Does it not appear from the hon. gentleman's own way of reasoning, that it would put an end to any remains of virtue, that there may now be left among the common sort of people? Nay, I do not question but that annual elections would at last become like the annual elections at Rome, towards the decline of that famous commonwealth: every general election would, I am persuaded, come at last to be attended with many instances of murder and

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bloodshed; so that the people might be induced, for their own quiet, to sue for the establishment of arbitrary power, or at least to submit tamely to the yoke, as the Romans did at last to Augustus Cæsar.

To conclude, Sir, whatever other gentlemen may do, I shall always be cautious of trying experiments with the constitution of my country. It is no great sign of a physician's regard for his patient, when he is for trying experiments upon him, and especially when the experiments are such as never were tried before. I say never tried before, Sir; for I defy any man to shew me, from any authentic history or record, that we had ever such a thing as an annual general election. What was intended by the two acts of Edward the 3rd, I shall not pretend to determine; but it is very plain, that if Annual Parliaments were thereby intended, neither of these acts were ever observed; for after the first act, which was passed in the 4th year of that reign, there was indeed a parliament held the next year, but from that time to the 9th year of that reign, there was no parliament held either by election or prorogation. There were afterwards in that reign several interruptions for three or four years together, as to the holding of parliaments either by election or prorogation; and even after the second act was passed, which was in the 36th year of that king's reign, and which was intended, as has been alleged, to obviate an evasion of the former act, there were long interruptions as to the holding of any parliament; for from the 38th to the 42nd, and from the 45th to the 50th of that king's reign, there was no parliament held either by election or prorogation, which is a proof, that either those acts were not then understood to mean what they are now supposed to do; or otherwise that that great and wise prince thought them such an encroachment upon the prerogative of the crown, as he was not obliged to submit to.

Having mentioned prerogative, Sir, as I am a servant of the crown, I think myself obliged to take notice, that what is now proposed would be the most deadly wound that was ever given to the prerogatives of the crown. It would, in my opinion, put an end to all manner of prerogative, by leaving the crown no share in the government of the kingdom; for if a parliament were to be chosen, and to meet every year, whether the king would or no, they would of course insist upon it, that they ought to continue assembled till they had finished all the business necessary to be brought before them, or at least till the time of issuing writs for the chusing of a new parliament. By this means the crown would lose all its power over parliaments, and the fatal example of king Charles I ought to be a warning to us, of the consequence that might be expected from depriving the crown of all manner of power over the parliament. From this consideration, Sir, I am persuaded, that Edward 3, who was a cunning as well as a wise prince, gave his assent to these two acts, only to flatter a popular humour prevailing at the time, but without any design to observe them, and he took care, that no regulation should be inserted in either, for compelling the observance of them, or for punishing ministers that should continue in their offices, after the crown had neglected to observe them. But as our present sovereign despises all manner of double dealing or dissimulation; and as such a Bill as is now proposed, would lay him under a necessity of dissembling with his subjects, or giving up the most precious and most necessary jewel in his crown, I mean, the power of calling and proroguing or dissolving parliaments when he thinks fit; therefore I shall be against the motion.

Sir *John Philipps*:

Sir; whatever the hon. gentleman who spoke last may think, there is, in my opinion, so little difference between Triennial and Annual Parliaments, that when I see a man voting against the latter, I shall hardly believe, he will ever be sanguine for the re-establishment of the former. The only difference is, I think, that Annual Parliaments will contribute more than Triennial to the security of our constitution, against the fatal effects of corruption; and I can think of no objection that can be made against Annual, that does not hold equally strong against Triennial, except that founded upon disputed elections, which I have heard urged against both; for against Triennial I have heard it said, that the first session would be taken up in deciding controverted elections; and that during the last session, the members would be so much taken up about soliciting their next election, that they would have no leisure to mind the public business; so that the parliament would have but one session in three to think of any public matters; and against Annual Parliaments it is said, that we should never have time to mind any thing but controverted elec-

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tions. But this objection, Sir, is founded upon a supposition, that in Triennial and Annual Parliaments, there would be as many controverted elections as in Septennial, and that all our decisions would be as much influenced by party as they have been ever since our parliaments were made Septennial; which supposition is, I am persuaded, without any foundation, and would very soon be found to be absolutely false; for if our elections were annual, no gentleman would put himself to the trouble or expence to petition, unless very manifest injustice had been done; and the prevailing party at the beginning of the session, would have no occasion for what our ministers now call weeding the House, which is the chief cause of the many petitions presented at the beginning of every Septennial Parliament; because if a candidate can now find any pretence for objecting against the election or return, he certainly petitions, and in case his party prevails, he is as certainly brought in, let his petition be never so ill founded, when they begin to weed the House.

This, Sir, is the true cause of the many petitions we have now presented at the beginning of every parliament, and as this cause would be entirely removed by making our elections annual, I am convinced, that in a few years we should have very seldom any controverted elections to determine; because by means of the late act of parliament, for making the last determination of the House of Commons the rule in all future elections, the right of election is now, or will very soon, be indisputably settled, with regard to all the counties, cities, and boroughs in the kingdom; and if this House should make two or three examples of ordering frivolous petitioners to pay costs, we should not afterwards, I believe, be troubled with many petitions.

Thus, Sir, I think, it is evident, that no objections can be urged against Annual Parliaments, but what militates more strongly against Triennial, and if we are influenced by a love of liberty, and a regard for our constitution, we should be more sanguine for the former than the latter; therefore, no gentleman can vote against this motion, that is heartily and sincerely for restoring Triennial Parliaments; and to shew that the late change in my circumstances has produced no change in my way of thinking, nor shall produce any change as to my way of acting in this House, I chuse to declare myself, in the most open manner, a friend to this motion.

It was not, Sir, because our ancestors, in king William's time, thought Triennial Parliaments better than Annual, that they brought in the Triennial Bill, but because they found that a Triennial Bill was the most they could at that time expect to obtain in favour of liberty, and we know how difficult they found it to obtain even that Bill's being passed into a law. In one session it was refused the royal assent, after it had passed both Houses, and would probably the next session have met with the same fate, if they had not made it a point that was to be granted by the crown, before they granted the supplies for the then ensuing year. I wish some of my friends had taken care to follow their example at the beginning of this session; for if they had, we should not now have been contesting the propriety of Annual Parliaments; because if they had got a Bill passed, for restoring Triennial Parliaments, I believe neither my hon. friend, nor any other gentleman, would have troubled them with a motion for making our parliaments annual. But as the motion is now made, and as I think it right, I think myself bound to support it in the best manner I can, and shall therefore beg leave to answer the objections made against it by the hon. gentleman who spoke last, and who seemed to argue as if corruption were become necessary for supporting the outward form or shadow of our constitution.

If this were the case, Sir: if no man had any regard to his country or conscience, or thought of any thing but to promote his own selfish views by his way of voting at elections or in parliament, the substance of our constitution would be annihilated, and it would be ridiculous to preserve the shadow. If I thought so, I should be for putting an end to parliaments, and establishing arbitrary power in its most simple and despotic form; for no Turkish grand signior or eastern monarch ever committed such barbarous and wanton cruelties, by the advice of his divan, though all named by himself alone, as the Roman emperors did by the advice, or with the approbation of their senate, which had the appearance of being chosen by the people; and if our king and his ministers were assured of having always a corrupt majority in parliament under their direction, they might, and I am persuaded, some future sovereign would commit more

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acts of injustice and cruelty, under the sanction of an act or order of parliament, than any despotic monarch durst venture upon, had he no parliament to patronize and give countenance to his crimes. Our streets would be crowded with informers, and upon the evidence of such profligate wretches, our parliaments would pass bills of attainder, or pains and penalties against men, for no other reason but because they had acquired a good character among the people: our people would be oppressed with taxes imposed by parliament, for the enriching of royal favourites, or the carrying on of royal schemes, that never were, nor could be of any service to the nation; and the most pernicious measures our ministers could pursue, would be approved and applauded by our parliament.

With such a parliament, Sir, could we be said to enjoy any liberty? Could our government be said to be a free government? or our king a limited monarch? No, Sir, our government would be as arbitrary, and our king as absolute, as any upon earth; but with this difference, that such a parliament would make a good king bad, and a bad one worse; therefore, if our people were so generally abandoned, as that our present form of government could not be supported without a corrupt parliament, I should be for laying aside the form; because I am sure, the nation would be happier under a sole arbitrary monarch without a parliament, than under a sole arbitrary monarch supported and countenanced in all his measures by a corrupt parliament. But, thank God! our people are not yet so generally abandoned, though they may probably, if not necessarily, become so in a few years, unless proper measures be taken to give a turn to that selfish, mercenary spirit, which has of late been so much propagated amongst us; and to shew that this may be the case, I shall divide the people of this country into three sorts or ranks of men: the first is that of men who have no price, who for no reward or consideration will submit to act against honour and conscience: the second is that sort of men who have a price, but a pretty high one, in proportion to their circumstances, and will not act against honour and conscience, unless you can come up to their price: and the third is that sort of men who have no honour or conscience, and will therefore accept of a low price, if they find they cannot obtain a high one.

This, Sir, is the true state of mankind in all countries, and at all times. There never was a people so abandoned, as not to have some of the first sort among them; there never was a people so virtuous, as not to have some of the second, and likewise some of the last sort among them; and I am apt to believe, that there is not now a country under the sun, which has not a majority of the second and last sort; but a people is not to be called abandoned, unless the majority of them be of the last sort; for till then the people may be venal, the majority of them may be of the second sort of men, but their price will be so high, that no merchant can be found able to purchase. While this continues to be the case, the liberties of the people will be secure against corruption; but the misfortune is, that all those of the second sort of men are apt to deviate into the last; for the price of a man's honour, like that of a woman's virtue, becomes less every time it is purchased, and both, generally, at last, become so abandoned, as to sell for any price they can get. To this I shall add, that the manners of a people depend very much upon education, conversation, and custom; and, therefore, in a country where great numbers have allowed themselves to be bought, and where corruption has been for a long while practised, it becomes customary, it even becomes fashionable to sell; and this by degrees diminishes the number of the first sort of men, and vastly increases the number of the last. *Defendit numerus:* no man is then ashamed of putting his honour up to sale at elections or in parliament; and whether this does not begin to be our case, I refer to gentlemen who have lately had a general and free intercourse with mankind. It is, therefore, high time for us to put a stop to the propagation of corruption, by putting it out of the power of ministers to come up to the price of any number of those who may still be ranked amongst the second sort of men I have mentioned; for if we can do this, our ministers can expect no success by corruption, and will, therefore, give over the practice, especially as it would be extremely dangerous, if they happened to fail of success.

How then, Sir, can we put it out of the power of ministers to come up to the price of any number of those of the second sort of men? Inflict what penalties you will upon corruption, they will signify nothing against successful corruption; for a corrupt parliament will always protect the corruptors, as well as the corrupted.

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There are, therefore, but two ways of doing this effectually: the one is, by diminishing the funds our ministers have for corruption; which we cannot do as long as our debts and our taxes continue: the other is, by raising the price of the second sort of men I have mentioned, so as to put it out of the power of our ministers, even with all the funds they are now possessed of, to corrupt any great number of them. How is this to be done? Sir, the method is plain and easy: restore Annual Parliaments, and you will greatly enhance the price of those votes that are to be purchased, both at elections and in parliament. It is a mistake to suppose, that a venal voter of the second class I have mentioned, will sell his vote at an election of an Annual Parliament for the seventh part, or for any greater part of what he sells his vote for at an election of a Septennial Parliament. He has some honour and conscience: it is that he puts a price on; and it is as great a breach of honour and conscience, and as great an infamy to sell his vote for an Annual, as it is to sell it for a Septennial Parliament. He will, therefore, insist upon the same price, but the minister will not be able to give it in most cases; and, therefore, most of those of the second class of men will be left to vote according to their conscience, which they will do when they find they cannot get their price for voting otherwise. We must therefore admit, that the restoring of Annual Parliaments would be the most effectual method we could take for putting it out of the power of our ministers to corrupt any great number of our voters at elections; or, otherwise, we must suppose, that by far the greatest number of the people of this kingdom, are such as ought to be ranked in the third class I have mentioned; and, in that case, I know no remedy but public distress, which is often the restorer of public virtue.

But public virtue is not as yet, I hope, Sir, brought to so low a pass in this kingdom: I hope, we have still a great number of the first sort of men, and but very few of the last; in which case, it must be granted, that the making our parliaments annual, would be an effectual bar to corruptions at elections; and that it would have a more powerful effect against corruption in parliament, is, I think, as clear as calculation can make it. Whether there may be amongst us any number of those of the second class of men I have mentioned, is what I shall not determine; but, I hope, there are none of the third: I hope no such mean and abandoned creatures will ever find their way into this House; but if there be, or if there should ever be any of the second sort in this House, surely, a minister may more easily come up to their price in a Septennial than in an Annual Parliament. Surely, an annuity of 500*l.* or 1,000*l.* for seven years, is a higher price than a sum of 500*l.* or 1,000*l.* Therefore, if the lowest price a member puts upon his honour be an annuity of 500*l.* or 1,000*l.* a year, for seven years, he never will sell for the single sum of 500*l.* or 1,000*l.*, and no minister can spare to give, or promise such an annuity for one year's service in parliament: nay, if he should promise it, no man, after his being turned out of parliament, could depend upon the performance of such a promise; and if there were little or no corruption at elections, as there could not be were they annual, every member would be turned out at the next election, who voted in parliament contrary to the instructions or sentiments of the majority of his constituents. Whereas, in septennial elections, there will always be great corruption, and if a member saves 100*l.* or 200*l.* yearly of his septennial annuity, he may hope, by the means of corruption, to get himself re-chosen at the next general election, whereby he secures his annuity for a new term, and this will always be an additional inducement for a member's accepting of it at first.

The hon. gentleman, Sir, seemed to be in a great fright, lest Annual Parliaments, chosen without any corruption, should occasion an annual change in our administration, which is a danger that gives me very little concern; for, I believe, it would be happy for the nation were such a change established by our constitution. I believe, it would contribute not a little to the general welfare, to have all our chief statesmen changed every year. Why this should produce an annual change in our measures, I cannot comprehend. It had no such consequence in the commonwealth of Rome, where all their chief magistrates were annually chosen, and annually changed; for the same men were never, or very seldom, re-chosen into any of their high offices, till towards the decline of their commonwealth; and a departure from this maxim, at last proved its ruin; yet there never was a state whose measures were more steady than those of that republic; and, I believe, our measures would be more steady than they are, had we a

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new administration every year. Our measures would not then be the measures of this or that administration, but the measures of Great Britain, which would, in their nature, be at all times pretty much the same, but are such as have been very little thought of by any administration within my memory.

An annual change in our administration is, therefore, in my opinion, Sir, rather a desirable than a dreadful thing; but let it be which it will, it could be no necessary consequence of Annual Parliaments. With such parliaments, I shall grant, that an administration could not long preserve themselves in power, if they pursued measures directly opposite to the true interest of the nation, which, I hope, will not be thought an objection to our making our parliaments annual; but if the administration pursued steadily the true interest of the nation, and managed with care and œconomy the public treasure, such parliaments would support them as long as they lived. They would have no use for corruption; for as such administrations are rarely to be met with, the whole nation would be fond of continuing them in power, and would always chuse for their representatives such men as seemed agreeable to such an administration. I shall admit, that a sincere and disinterested regard for the public good has met with great discouragement for these last 20 or 30 years, and has consequently very much declined; but there are still great numbers that are governed by it in their way of voting both at elections and in parliament; and notwithstanding the prodigious increase of posts, places, and offices, there are still vast numbers of people who never had a thought of getting into any place or office: all these would join in the support of an administration whose measures they approved of; and these, with the interested friends of the administration, would always be an overmatch for those that might expect some advantage by a change. This would be the case with regard to elections, and with regard to parliament it would be the same: in all questions there, the ministers would be joined by all the disinterested lovers of their country, and by all who could expect no advantage by a change, as well as by those who enjoyed or expected some advantage from them; and these would always out-number the factious or seditious; for under a just and wise administration, faction can never shew its head: it never did, it never can rear its crest but upon some false step made by the administration; and, therefore, as long as we have any considerable number of honest men amongst us, or any considerable number of men who expect no place or office under any administration, we must conclude, that a just and wise administration can never be in any danger of being removed by an Annual Parliament.

Another fright the hon. gentleman seemed to be in, Sir, was, lest by what is now proposed we should enable the parliament to usurp the whole government of the kingdom, and to treat the king as the Long Parliament treated king Charles the First; but to any one who considers this motion, and recollects the history of that unfortunate prince's reign, this danger must appear altogether chimerical. The parliament, or rather the mock assembly, which authorized that tragedy, was not a parliament, or so much as the resemblance of a parliament; and therefore we are not to judge of what a regular parliament may do, from any thing they did. Besides, the motion now before us, is so far from being a motion for the parliament's continuing to sit till they consent to their own dissolution or prorogation, that the very design of the motion is to prevent its being in their power to continue sitting for above a twelvemonth; and though the crown is, by what is now proposed, to be obliged to call a new parliament every year, there is nothing proposed for obliging the crown to allow that parliament to sit for any determinate time, or not to dissolve or prorogue it when the crown shall think fit; so that if the parliament should, upon its first assembling, appear to be factious, or should begin to proceed in a factious manner, the crown might, notwithstanding any thing now proposed, dissolve such a parliament, and immediately issue writs for calling another. Is there, therefore, the least ground for apprehending, that the crown would, by such a law as is now proposed, lose all its power over parliaments; or that a factious parliament could continue sitting till they had usurped any greater share in the government than what belongs to them?

Sir, there is nothing in this motion that makes it necessary for the crown to allow the parliament to sit at all. Writs may be issued, a parliament may be called, and yet that parliament may never be allowed to sit: it may be prorogued from time to time till the expiration of the

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year, and then a new parliament called, which may be treated in the same manner, notwithstanding any thing proposed by the words of this motion: a debate upon this subject is therefore premature: whether there is to be any clause in the Bill for enforcing the sitting, as well as the calling, of a new parliament every year, is what I do not know; but if there should be such a clause, it would only be an attempt to get an express law for what we have ever since the Revolution endeavoured to do by our constant practice; for by passing only an annual Bill for the land-tax, the malt-tax, and for preventing mutiny and desertion, we do as much as lies in our power to make it necessary for our sovereign to have a session of parliament every year, and as long a session as we please; because we may put off the passing of those bills, till we have done all that we think necessary to be done in that session; and I wish something like this had been practised in this session: I am very sure, the people expected it, when they heard of the change made in our administration at the beginning of the session; and will be extremely disappointed, and even exasperated, if they see this session ended, without any thing done for securing their liberties against those dangers, which a late report has made apparent to the whole nation.

I hope, I have now answered all the material objections made against the Bill now proposed, except that of its being unnecessary; for according to what the hon. gentleman said who spoke last, we have no occasion to make any regulation against corruption: nay, we ought not to prevent it, if it were in our power; because, as he said, it may now and then be of service, and even necessary for blunting the edge of faction, but can never be of any dangerous consequence to our liberties. These can never, according to him, be overturned by corruption alone; because, unless violence and force be made use of, our people can never be induced by corruption alone, to support an administration, who are pursuing measures that are apparently against the interest, or inconsistent with the liberties of the nation. This, Sir, is such a new doctrine, that I am at a loss how to answer it. I have always till now heard it admitted, that to a free state corruption is of all other dangers the greatest, because the least sensible. I shall grant, that after the people become sensible of their danger, the enemies, or the destroyers of their liberties must have a force sufficient to compel their submission; but by what means can the enemies of public liberty possess themselves of the force requisite for this purpose? Sir, it is by corruption alone they can possess themselves of this force; and being once possessed of it, those they cannot corrupt, they compel, and those they cannot compel, they destroy. This, Sir, is the method by which all free states have been destroyed: the people are, by corruption alone, induced to depart from some of the fundamental maxims of their constitution, or to delay providing in a proper manner against some emergent dangers, and by this means some one man, or some set of men, get so much power into their hands, and such a force at their command, as enables them to overturn the constitution. Till they have done this, they carefully conceal their designs, and generally put on the vizard of liberty, which makes their corruption the more successful; for if they were to deal openly and avowedly; if they were to tell the corrupted plainly, that the bribe they offered was for their liberty, and that if they accepted what was offered, and voted as directed, they and their posterity must for ever be slaves: I say, Sir, if the corruptors were to make use of such plain language, they would meet with very little success. But some plausible pretence is always made use of, which affords an excuse to the abandoned, and the proffered bribe so obscures the eyes even of those that are not quite abandoned, as prevents their seeing through the thin pretence made use of. Thus Julius Cæsar blinded the Romans, or, at least, the multitude in that city, till he made himself master of such an army as he thought, and afterwards found sufficient for making himself absolute master of that famous republic; and this nation in particular ought to observe, that it was an inordinate desire to humble or conquer France, then called Gaul, that was the cause of the destruction of Roman liberty.

Therefore, Sir, though it be admitted, that the people of England could not be tempted, by corruption alone, to support an administration in an open and avowed attack upon their liberties; yet upon various pretences, rendered feasible by corruption, they may be tempted to lodge so much power in the crown, as may enable ministers to make use of open force, if ever they should find it necessary; for this they will never do, as long as they can ob-

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tain every thing they desire by corruption alone; and the longer they succeed by corruption, the more easy and secure will their success become in every future period of time; because when opposition has, by long experience, been found to be fruitless, it will at last become ridiculous, and then the few virtuous that may remain amongst us, will think of nothing but passing away their time in indolence and obscurity. With Mr. Addison, in his tragedy of Cato, they will all say,

'When vice prevails, and wicked men bear sway,
'The post of honour is a private station.'

But if, by chance, a glimmering of public spirit should break forth, as it sometimes did, even under the emperors of Rome, and our ministers should find, they could not carry their point by corruption alone, they would then do as the Roman emperors did; they would make use of that power or force which corruption had before furnished them with, and pretences would be found for removing or destroying all those they found they could not corrupt. It would then be too late to think of a remedy for the evil, by any Bill that could be contrived. 'Inter arma silent leges:' against force nothing but a superior force could prevail; and if the army we now keep up should once be as much attached to the crown, as Julius Cæsar's army was to him, I should be glad to know, where we could find a force superior to that army, considering the present unarmed and undisciplined state of the rest of the people of this kingdom.

This, Sir, brings to my mind, what the hon. gentleman was pleased to say about the decline of that warlike spirit, for which our ancestors were so famous. The abolishing of our military tenures might, perhaps, have been some cause of this; but if our militia had been put upon a right footing, the same warlike spirit might have been kept up among the people, without those incumbrances upon property, which were incident to military tenures, especially if our court had taken care to give encouragement to, and shewn a due regard for gentlemen who studied the military art, and endeavoured to instruct and improve the militia of their respective counties; but ever since our court began to think of a standing army, they have made it their business to render our militia not only useless but contemptible; and they have, at last, so far succeeded, that all gentlemen despise having any post or command in the militia. The army and the navy are now the only bodies of men, among whom any sort of military discipline is to be learned, or any character acquired; and even among them, the military art seems to be confined to the little punctilios necessary for a review, or other ceremonial appearance; because there has not, of late years, been the least encouragement for pursuing the study of that art any farther. Military merit has never, in any of our late military preferments, been in the least regarded: nothing but a parliamentary interest has been thought of; and, therefore, none, or very few of the officers of our army or navy, have put themselves to the trouble and expence of acquiring those qualifications, which, they knew could be of no service to them, as to their advancement in the army or navy. This, Sir, is one of the causes of our having met with so bad success in all our late warlike expeditions, and will be the ruin both of our army and navy, if our liberties be not soon overturned, or re-established upon a firm basis.

If our liberties, I mean the shadow as well as the substance of liberty, were overturned; that is to say, if parliaments were laid aside, military merit might have a chance for meeting with some regard, because our officers would then have no other merit to plead for their advancement. On the other hand, if our liberties were re-established upon a firm basis; that is to say, if ministers were deprived of all hopes of gaining the approbation or consent of parliament, by any other method than that of the rectitude of their measures, no officer could plead any merit from his method of voting, either at elections or in parliament. He could have no other merit to plead for his preferment but his military qualifications and conduct; and if any minister made sale of posts in our army or navy, or disposed of them to undeserving men, on account of some relation or personal attachment, it would be soon taken notice of and condignly punished by an independent parliament; because there is nothing more dangerous to a free people. If the approbation of parliament were to proceed only from a conviction of the wisdom and rectitude of a minister's measures, could it be more difficult for him to obtain the approbation of an Annual, than of a Septennial Parliament? On the contrary, it would be less difficult; because faction is more apt to take root and grow formidable in a Septennial, than in an Annual Parliament;

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unless a party, whose opposition to ministerial measures is approved of and applauded by the whole nation, except the tools of power, is to be called a faction, which has been often, and may be the cant of a court, but will never be made use of by any impartial man, who understands what is meant by faction. Therefore, what the hon. gentleman meant by your making it more difficult for a minister to have his measures approved of in parliament, can relate to no approbation but what is procured by bribery and corruption, and consequently was a confession of that principle which I am supporting and he had been arguing against; I mean, that it would be more difficult for a minister to obtain a corrupt majority in an Annual than in a Triennial Parliament.

From the hon. gentleman's own shewing, I therefore think it is plain, that while the independency of parliament is in any partial degree preserved, we can have no true military spirit in our fleets or armies. When a minister has by bribery, and by a cunning disposal of commissions, posts, and places, made himself master of most of our elections, and has thereby made himself secure of having always a great majority in parliament, he may venture to shew some regard to military merit; but till then, if he has the least hope of gaining this point, nothing but parliamentary merit will be regarded. A gentleman of our army or navy may, for his own sake, preserve some character as to his personal courage; but nothing more of the military art will be studied by any of them, than what is necessary for a review or a salute. An army or a squadron may be destroyed by the ignorance or incapacity of a commander, but still he will be continued in command, if he has but a good stock of parliamentary merit: nay, even cowardice itself will be excused in an officer, if he has but been diligent in betraying his country at elections or in parliament. Sir, I will push this argument a little farther: I will say, that while the shadow of our constitution is preserved, that is, while we have any parliament chosen by the people, the effect must be the same. When a minister has by bribery and a cunning disposal of commissions, posts, and places, made himself master of most of our elections, by the same means he acquired that power he must preserve it. Parliamentary merit he must still make the standard for purchasing his favour. This he must still prefer to all other sort of merit; and must allow it to be an atonement for every defect in civil as well as military employments; for having disobliged all the men of honour or merit in the kingdom, as he must do before he can by such means acquire such a power, he can depend upon none but the worthless and abandoned for his support, and their favour he can preserve by no other method than that by which he acquired it. What a pernicious sort of government, what a farcical form of liberty would this be? We must therefore preserve the substance of our constitution, by preserving the independency of parliament, or we ought to give up the form, since we cannot preserve the substance.

There is no medium, Sir: the effects of corruption have of late become so evident, that if we do not bring in and pass some proper and effectual Bills for securing our independency, we ought, I think, to make our last will and testament, by bringing in and passing one short Bill for vesting all the powers of parliament in the king and his privy council; which is the easiest and most expeditious way of putting an end to the form or shadow of our constitution: and in my opinion, no gentleman who opposes the first of these expedients, will oppose the last, for any reason but that of his being loth to put an end to a market in which he has by experience found great advantage.

From what I have said, Sir, it is evident that while our ministers govern, or have any hopes of governing by a corrupt parliament, they will never duly encourage or promote a true military spirit among our soldiers or seamen; and experience, as well as reason, must convince us, that while they are provided by parliament with a standing army, they will discourage as much as possible, any sort of martial spirit or military discipline among the rest of the people. Now, Sir, with regard to the decay of hospitality, and the vast resort of our gentlemen of fortune to London, I shall grant, that the latter may in some measure depend upon fashion; but what is it introduced that fashion? Was it not the establishment of Septennial Parliaments? When the Long Parliament was called in king Charles the 2nd's time, no man supposed that it was to continue for seven years, though by their complaisance they got themselves continued much longer: every one supposed, that the parliament would be dissolved in two or three years at farthest, or

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that there would not be a session annually: therefore none or few of the members then thought of bringing up their families to reside in London: but when the Septennial Bill was substituted in lieu of the Triennial, every one knew, that there would necessarily be a session annually; and by the majority the court had in that parliament, the members were assured, that the parliament would not be dissolved till near the expiration of the term, which made most of the members resolve to take up their residence in London; especially as many of them had found, by the course of elections for that very parliament, that nothing but downright bribery could secure their next election. This introduced the fashion, and that fashion has of course put an end to our ancient hospitality; for when a nobleman or gentleman goes down once in seven years to keep open house at his country seat, and to make all the neighbourhood drunk for a week or two, I am surprized to hear it called hospitality. So far from being hospitality, it is, Sir, a most pernicious practice, because it corrupts the morals of the people, by leading them into a course of idleness and debauchery.

This, Sir, leads me to consider the effect our Septennial Parliaments have had upon the honesty, frugality, and industry of the people, which the hon. gentleman says, would suffer more from annual, than they ever did from septennial elections: but in order to prove this, he is guilty of what we call, *petitio principii;* for he supposes that at annual elections there will be as much bribery and debauchery as there are now at septennial, which is expressly denied, and is indeed impossible, because neither courtiers nor country gentlemen would be able to bear the expence. If Annual Parliaments were restored, our country gentlemen would then begin again to cultivate their natural interest in their respective counties: for this purpose they would return again to reside at their country seats, where they would, as formerly, entertain their neighbours hospitably, without tempting them to idleness or debauchery; and the elections would return so frequently, and would be of so little value to courtiers, that it would be impossible for them, with all the places and pensions a minister could bestow, to bribe country gentlemen out of their natural interest. Therefore, I am convinced, that in a short time there would be no bribery, nor any very expensive public entertainments at elections; and consequently the people would be exposed to no such temptations to idleness, extravagance, and debauchery, as they have been ever since we had Septennial Parliaments; nor would country gentlemen be tempted to reside here in London, where they spend their estates in extravagant fooleries, and the consumption of foreign luxuries: but on the contrary, all those who had any thought of ever having the honour to represent their country in parliament, would be obliged to live at their country seats, where of course they would spend their estates in hospitality, and in the consumption of the produce of neighbouring farmers.

In short, Sir, the advantages of parliaments annually chosen are so great, so many, and so apparent, that I wonder they have not been oftener moved for, and more strenuously insisted upon, than I find they have by the Journals of this House. The cause of this is certainly to be ascribed to the influence ministers have always had in this House; for as frequent new parliaments are troublesome even to the best of ministers, and of extraordinary dangerous consequence to the worst, of which this nation has had its full share, I do not wonder at ministers taking hold of all occasions to advise their sovereign not to call a new parliament; and this, no doubt, was the cause of Edward the 3d's so often failing to perform that law, to which he had himself given the royal assent. The same cause prompted those wicked ministers of Richard the 2d to contrive and practise the method of continuing the same parliament for several years by prorogation; and the same cause prevailed with the first parliament of the late king to turn our Triennial Parliaments into Septennial; to make the Bill for that purpose take place for the very parliament then in being, though it was much questioned whether or no they had a power to do so: and to make the Bill perpetual, though the chief arguments then offered in favour of the Bill, could operate no farther than for making it temporal. This aversion which ministers in all ages have shewn to frequent elections, is with me, Sir, as strong an argument as any I have mentioned for making them as frequent as possible; and consequently for my concurring with my hon. friend in this motion.

The question being then put, "That leave be given to bring in a Bill, to enforce

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the calling of a new parliament every year, after the expiration of the present parliament:" it was carried in the negative by 145 to 113.

Debate in the Commons on the Pawnbrokers Bill.] Feb. 1. A Petition of several persons, under the denomination of Pawnbrokers, was presented to the House, setting forth,

"That the petitioners have for many years carried on the business of lending small sums of money upon pledges, great numbers of whom have regularly served seven years apprenticeship, and many years journeymen, and have for a long time been settled as masters in the business, and have large families depending on them for their support; and by long experience find, that a business of this nature is absolutely necessary in places where trade and commerce flourish; that the petitioners have long laboured under the public reproach and infamy of being extortioners, and great encouragers of thieves; which they apprehend is owing to misrepresentations of the nature and profit of their business; for they are so far from being encouragers of thieves, that they very frequently detect them, and could oftener do so, if authorised to stop suspected persons, which they many times dare not do, lest by mistaking persons, they should subject themselves to vexatious and expensive law-suits; that the petitioners apprehend, their being deemed extortioners arises from comparing their reputed or seeming profit with the legal interest of money, without considering the great expence and labour attending the business; for the petitioners hope to make appear, to the satisfaction of this House, that it cannot be carried on at a lower rate, unless a certain time was settled and limited for the redemption of pledges, and the petitioners not obliged to keep great and perishing stocks by them; in which case they could afford, and would supply the honest and industrious poor at a cheaper rate than they at present do: that the petitioners not being legally justified in taking more than after the rate of 5*l.* for the loan of 100*l.* for one year, and not being authorised to sell the goods pledged with them, though of ever so perishable a nature, many vexatious and expensive law-suits are daily commenced and carried on against the petitioners, in respect thereof; that, if the business was regulated, and only such as should appear to be honest and reputable persons were licensed by proper authority to follow the same, it would not only be of much greater service to the honest and industrious poor, but of public benefit, by hindering persons of ill-fame and reputation from acting therein, which at present is too much practised, and from whose ill conduct the public odium, conceived against the business, has arisen; that the petitioners, being conscious of their innocence, are very desirous of having their business and practices examined into, and are ready to do every thing in their power to give light into the same; not in the least doubting but, upon the strictest enquiry, they shall be so happy as not only to wipe off the unmerited calumny they have so long groaned under, but that they shall be so regulated by this House, as to be able to carry on their business, for the future, with credit and reputation; and therefore praying the House to take the premises into consideration, and grant such relief therein, as to the House shall seem meet."

Which Petition was ordered to lie upon the table; and on the 6th, it was further ordered to be referred to the consideration of the committee, to whom the Bill more effectually to prevent the receiving of stolen goods, by the regulating of pawnbrokers, is committed.

The Substance of the Arguments* made use of, *pro* and *con*, in the debate, in relation to the Pawnbrokers Bill, were as follow:

For the Bill it was advanced, That among the many evils which universal depravity has brought upon us, by which not only the general prosperity of the public, but the private happiness of families, and the personal safety of individuals, is endangered, it is time for the legislature to turn its views upon the robberies and violences committed, not in obscure and remote provinces, not in unfrequented roads or dark retreats, but in the face of day, in the streets of the metropolis, and in open defiance of the magistrate's authority; not with hope of escaping discovery, but with the resolution of resisting coercions, and with an appearance of strength superior to law, and with confidence of escaping justice, by force and multitude.

That this effrontery and temerity of wickedness has arisen to a height not known before, is however admitted; and

* From the Gentleman's Magazine.

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as all effects have proportionate causes, it is not to be imagined that thefts would have become more common, had they not, by some means or other, been made more safe or more easy than in former times.

What these means are I have endeavoured to discover; and nothing is more probable than that they have of late found some confederates more useful, more active, and more faithful than in former times, by whose assistance they can carry on their villainies with greater security, and obtain more certain advantages from successful robberies. These confederates, whoever they are, it is our business to defeat; and as there is no class of men more likely to engage in such practices than those who lend money upon pledges, a set of men daily acting in open defiance of the most salutary laws, and laughing to scorn the repeated efforts of the most vigilant magistrates, therefore nothing can be more necessary than to lay some restraints upon pawnbrokers, whom I considered as the chief agents of corruption; as the wretches by whom all wickedness is encouraged, and by whom the people are at the same time debauched and oppressed.

That I may not be thought to offer a charge so atrocious without proof, I shall propose it to be considered by the House, that the increase of all sorts of felonies of late years must indisputably be the effect of some method that thieves have found of disposing of their plunder with security; and it cannot be securely trusted to any, but persons, whose interest obliges them to conceal their practices. This being a fact universally notorious, it remains to bring those receivers to light, that the indignation of their country may fall upon them, and that they may be distinguished by lasting characteristics of infamy. In this enquiry, dark as it may at first appear, no one can be at a loss, that will impartially attend to the following circumstances. If we examine what passes at the periodical distributions of justice, there will be found scarcely a sessions in which some of the practices of the pawnbrokers are not openly detected; nor is there a Sessions-paper in which they are not publicly stigmatized. If, therefore, any regard is to be paid to the universal opinion of the judges, to the private sentiments of the magistrates, and the public and repeated prosecutions against persons of this business, for one species of iniquity or another, it must be allowed that they are the pest of the community. And it is greatly to be wondered at, that any set of men will yet dare to persist in the exercise of a profession, the avowed principle of which appears directly repugnant to the known laws of the realm. But the exorbitant profit which they acquire, makes them insensible of the expensive suits they are obliged to defend, the frequent censures of the courts, and the scorn and contempt of every honest man.

1. If we consider the privacy of their transactions, it will afford an incontestable proof of their unwarrantable proceedings. Does any tradesman, following an honest and laudable employment, transact his business in secret? Is not an open shop, a constant concourse of customers, and a public show of trade, of infinite benefit and delight to every one exercising a lawful profession? Why is it not so with the pawnbrokers? To what purpose are their private boxes, where one customer cannot see the face of another? The reason is obvious; the one, conscious of his own integrity, not in the least fearful of having his actions scrutinized in the clearest light, publicly offers his business and practice to the view of all mankind; while the other, equally conscious of the immorality of his practices, desires nothing so much as an impenetrable obscurity. These are the places in which thieves can with security dispose of their booty; servants raise money upon any thing, of which they have defrauded their masters; and where handicraftsmen, who, from the nature of their respective trades, must be entrusted with other men's property, have a ready opportunity to dispose of those goods, and violate the trusts so necessarily reposed in them.

2. This business, far from being of any service to the industrious poor, will, upon examination, appear to be calculated for the encouragement and support of idle and disorderly persons, and greatly tending to distress all the honest and industrious part of mankind, who shall be unhappily reduced to use this method for a supply.

It is not to be imagined any person, who has not behaved himself in some manner most notoriously scandalous, should, upon any emergency, be so destitute of friends, as not to raise so trifling a sum as those poor people generally borrow, especially when he offers a security of three times the value in hand: this is so small a favour, that it hardly deserves the name of one; yet by this, inconsiderable as it is,

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the person might be enabled to pursue his occupation till he had acquired money to redeem his pledge, by paying the debt, with lawful interest for the same, (if demanded;) by this means that very person might soon be in a capacity to grant the same favour to another, which he has so seasonably received himself.

But if he applies to a pawnbroker, it is next to an impossibility he should ever extricate himself from his necessitous circumstances: for the exorbitant interest of 50, 60 or 100 per cent. instead of enriching, or assisting the borrower, impoverishes him daily, and must bring on greater calamities, and end in absolute ruin and beggary.

Experience sufficiently confirms this observation, that if the lowest class of people can, by any means, procure a present subsistence, their care seldom extends farther than their immediate wants: it is to this want of reflection in the multitude that the pawnbroker owes his ill-gotten fortune. His riches increase in proportion to the follies and extravagance of mankind; he is nourished by the sweat and labour of thousands, whom he daily preys upon, and who must inevitably be ruined and starved, to give him affluence and greatness. The nearer approaches his customers make to want, the farther they are removed from shame: thus having pledged every moveable they can spare, and, in all probability, paid the value of them twenty-fold in interest, necessity prompts them to make free use of the property of their neighbours, whensoever it may happen to fall into their hands, to which their intimate acquaintance with their friend the pawnbroker does not a little contribute, who, they are well assured, will not ask any questions they do not care to answer. And thus the scene, which was begun only with want and folly, ends in complete ruin, and consummate villainy.

If these practices come to light, a case which rarely happens, and you hint to the pawnbroker the enormity of the practice of receiving stolen goods, he answers you, with great calmness, "That truly he had no reason to suspect the honesty of the man, having dealt with him a long time, and never found him guilty of any fraud."

Having thus shewn the detriment of this business to the industrious poor, it remains to examine, whether it is not a great encouragement to wicked and dissolute persons. As it is an allowed maxim, that no man grows completely wicked at once, the greatest caution ought to be used to deter mankind from the first approaches to vice, and to lay all possible difficulties in their way to the enjoyment of their destructive pleasures. And can any more probable method be suggested to attain that end, than the suppressing a business, which is a secret fund for the supply of all persons vieiously inclined?

It is here the extravagant tradesman may supply himself with means to gratify his darling vice: and it is here (when by his extravagant courses he has reduced himself and family to beggary) he can lodge his goods in security, in defiance of the law, and to the manifest injury, or, perhaps, utter ruin of his creditors. For, in this chaos of iniquity the distinction of property is no more heard of: for the pawner, or his assignee, have no other security for the return of their goods but the honour of the pawnee, which we may reasonably suppose not to be of so delicate and scrupulous a nature as to interfere with his interest.

And to explain the iniquity of this business still farther, it may be necessary just to mention some instances of the exorbitancy of the interest taken; and then considering the indigency of the persons upon whom this exaction must fall, it will appear that this pretence of benefit to the poor is entirely without any colour of foundation. On the contrary, that it is absolutely impossible, in the nature of things, that any poor person, who is obliged to borrow money in this manner, can be ever able to support himself under such execrable extortion.

First let us consider the interest taken upon 20*s.* for a month, which is usually 6*d.* that is, exactly 30 per cent. a demand in itself enough to astonish any honest man to hear; yet this is a case rarely happening to the very poor people, they most commonly borrowing such small sums as one, two, or, at the most, five shillings, and are obliged to submit to a still more grievous exaction. When we consider that a half-penny taken upon the loan of 1*s.* for a week, nay, even a day (as the case often happens) appears to be 216 per cent. in the one instance, and 1,300 per cent. in the other, it would be extremely impertinent to spend time in offering more instances on this head. These considerations are sufficient to convince every one, that a business of this nature is entirely calculated to encourage felony, and all other vices; that it is the

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greatest oppression upon the poor and needy; a set of people, who, from the consideration of their own want of power, ought always to be most tenderly preserved, and protected from any extortion whatsoever. A business destructive of fair trade, the bulwark of this nation; a business carried on in defiance of the laws of the realm, and the uniform sentiments of all honest men; a business from whence, as it appears, no single benefit can possibly be derived, yet abounding with every ingredient destructive to society, professed by men under no regulation, left at liberty to commit whatever their own interest may prompt them to; men of mean and desperate fortunes, gin-sellers, ale-house keepers, and professors of other businesses equally conducive to immorality and vice. From the consideration of these circumstances, this affair appears to deserve the serious attention of the public, and that it is highly necessary to put an immediate restraint at least, if not a total stop, to practices of so pernicious and universal a nature.

In favour of the Pawnbrokers the following Arguments were offered:

The persons whose practices the Bill now under our consideration is intended to restrain, are so generally loaded with public detestation, that they cannot hope easily to find an apologist; but this difficulty ought to determine some among us to rise up in their favour, and offer to the consideration of the House what may have been suggested by them in their own defence; for it is a maxim, from which, I hope, we shall never depart, that no man is to be condemned before he has been heard.

The crime of receiving stolen goods, I hope, I shall not be suspected of any design to extenuate. Nothing is more apparent than that its guilt is at least equal with that of theft, and consequently the discovery, conviction, and punishment of those who commit it would be of the highest advantage to the happiness and security of society. But as this is a crime of almost the highest nature, it would be extremely unjust to impute it to a whole body of men, without full evidence and irresistible conviction, lest the reputation of many innocent persons should suffer by a false and partial supposition of guilt. And it is to be remembered, that this opinion, though general and popular, is not supported by any evidence of facts, and therefore cannot claim much credit, if calmly and without prejudice considered; and perhaps a close examination may show that the infamy of combining with thieves has unfortunately fallen upon men who are most zealous to apprehend them, and bring them to punishment.

This assertion, however extraordinary it may be thought, yet appears to me so probable, that it at least deserves our consideration; for it seems to me to be the voice of reason, and therefore I cannot but expect that it will be confirmed by experience. From the exactest calculations it appears, that a pawnbroker cannot carry on his business, in a degree sufficient to support the common expence of life, with a capital less than 2,000*l.* (though their capitals, rated at a mean proportion, may be reckoned at three.) Such a sum, if the patrimony of a pawnbroker, will be certainly sufficient to put him above the temptation of knowingly receiving stolen goods; and it may be presumed that his education, or natural understanding, will teach him not to risk the forfeiture of such a fortune, and his liberty for 14 years, for so small a profit as he can be supposed to gain by violating the laws in such cases. If the capital he trades upon is borrowed, he must certainly be a man of good reputation, and believed above any actions thus odious and wicked, or his creditors must be mad who trust him with their substance.

This imputation, however universal, is not supported by instances of pawnbrokers convicted of offences of this nature; for notwithstanding the utmost vigilance of the magistrates, to which may be added the insurmountable prejudice of juries, not three pawnbrokers (that is, housekeepers following that business) have, since the commencement of the act, which makes it felony knowingly to receive stolen goods, been convicted of that offence.

As nothing is more frequent than for thieves to betray one another, to be admitted evidence against their accomplices, and to save themselves by convicting others, whence comes it, (if the receipt of stolen goods, knowing them to be so, is part of the pawnbrokers business) that they are not included in their informations, and almost as frequently convicted as the thieves themselves? Yet, though this must be the necessary consequence of such dealing, nothing of this nature has ever hitherto happened.

But it has been urged, that the frequent

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appearance of their names in the Sessions-paper, makes it evident they are the chief receivers of stolen goods. This indeed has an appearance of truth, and certainly has very much conduced to throw an odium upon the business; but when examined, is found to have no other foundation than this, that several persons living in obscure places, retailing spirituous liquors, keeping night-cellars, or other disorderly houses, make it their practice to buy stolen goods, and when such goods are discovered in their hands, to obviate the proof of having knowingly bought stolen goods, which naturally arises from the comparison of the price at which they purchase them with the apparent value of the thing purchased, they declare themselves pawnbrokers, and say that they had no benefit from the smallness of the sum lent upon the pledge, as it was always redeemable upon the payment thereof, with the interest, and was all the borrower at that time required. This subterfuge, not yet detected, has not only screened many villainies from punishment, but has extended its consequences to that whole class of men, among which these wretches occasionally enlist themselves.

It is indeed greatly to be lamented, that the papers in which the proceedings of the magistrates at the sessions are related are so often found inaccurate, and that the characters of innocent persons are frequently injured by the subtilty of villains; but even as those papers are at present published, if mankind were as much inclined to take the favourable as the invidious side of the question, if they as much delighted in clearing the reputations of their neighbours, as in calumniating and aspersing them, it would appear from those narratives of the punishment of wickedness, that greater numbers of pawnbrokers appear at the Old-Bailey upon account of goods and felons which they have stopt, than upon account of stolen goods which they have received.

The very nature of their business, and the prejudice of mankind formed against them, make it incumbent upon them, if they are not entirely void of reflection, to be more watchful in this particular than any other set of men. For they have received fatal conviction of the prepossessions of mankind, nor can it possibly be from the lenity of the verdicts given against them, that they can be encouraged to act so villainous and so foolish a part. For, as it is not impossible but the most honest as well as the most cautious person may be imposed upon, let us take a view of the consequence of such an oversight in the pawnbroker. His shop and warehouse are at all times open to a search; and if he is so unfortunate as to have inadvertently received any thing stolen, he is the greatest sufferer, being obliged to deliver the goods, and lose the money which he had been persuaded to lend, and embarrassed with the trouble and expence of attending the prosecution of the thief, as a witness against him. Nor has it been very uncommon for a pawnbroker to be examined, and his reputation in public attacked, for the receiving a pledge, upon which he may have lent two or three shillings, when his profit arising therefrom would have been no more than a penny or two-pence, and he has sometimes been obliged to defend himself against a vexatious and infamous prosecution.

And it may not be improper to remark the absurdity of supposing that a set of men encouraging theft and rapine should stop suspicious persons, and suspicious goods, and, as daily experience shews it to be their frequent practice, advertise them in the public papers. It is also worthy observation that, notwithstanding the great danger, as the laws at present stand, which attends the stopping persons or goods upon suspicion, these people frequently have done it, and, it is to be feared, sometimes to their cost.

It has been remarked, with much acrimony and confidence, that the secrecy with which this business is negociated, is an incontestable proof of its iniquity and illegality. It has been observed, that a more profound secrecy is used in this business than in any other; and that the pawnbrokers have private closets, where their customers cannot see the faces of one another.

To this it may be answered, that this business is of a particular kind. It must be considered, that secrecy is the basis of all credit, and credit the support of trade; there is consequently a necessity in all countries where commerce flourishes, that men of business, who are unexpectedly called upon for ready money, should have an immediate resort to some certain friend, where they may be supplied and not exposed. Let us suppose a tradesman to want 10*l.* to satisfy a dealer, pay off his journeymen, or for any other pressing occasion; if he must necessarily go into a public shop, known for carrying on the

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business of lending money, there to borrow whatever he may want, his necessity and business being there exposed to all mankind, it is greatly to be doubted, whether even the giving him the sum he wants, would be a sufficient recompence for the loss of his credit. And as these occasions for sudden supplies may frequently make it necessary for him to use these shops, his being seen there two or three times would be sufficient to blast his name, and precipitate his ruin. Secrecy, therefore, is the soul of credit, and it may with justice be asserted, that if the accidental necessities of every trader were publicly exposed, it would be impossible for many, who are in reality in a prosperous state, to avoid bankruptcy; for numberless instances have been known, where men of large fortunes, not having ready money to answer a present and unexpected demand, have become bankrupts, when they have had 10,000*l.* remaining after the payment of all their debts. And this is enough to demonstrate the necessity for secrecy in such transactions, to which the pawnbrokers have hitherto adhered with great strictness, in regard to the persons they deal with, unless in cases where goods have afterwards appeared to be stolen. It is certainly therefore more convenient for a person wanting an immediate supply to borrow it of a pawnbroker, than to request it of any friend, where he will probably meet with a refusal, or, if he succeeds, the time lost in raising a small sum may amount to more than the interest and charges he would be obliged to pay to a pawnbroker. Add to this, that he makes himself a slave to his friend's discretion, as well as generosity; for imprudence, or vanity, or an accidental disgust may bring the whole transaction to light, and expose him to the world. And if he should be so happy afterwards as to arrive to any degree of affluence, the obligation can never be discharged; it is the subject of perpetual reproach, and perhaps a pretence for perpetual demands. These considerations induce men to apply to the pawnbrokers, where they are sure of an immediate and secret supply; and the obligation is reciprocal, as in all other trades, between the trader and his customer.

And, to give plain and convincing proofs of the impossibility, as the law now stands, of the pawnbroker's dealing safely in any other manner, it is to be observed, that no time being limited for redemption of pledges, wicked and designing people pledge goods, the value of which is not intrinsic, and not proposing to redeem them till they are sure they are sold, have an opportunity, by bringing an action, to swear things to be of ten times their real value. And, upon other occasions, to offer to the pawnbroker five per cent. upon which he cannot live, and if he refuses to comply with the profit, to commence a prosecution against him.

It has likewise been a frequent practice to bring witnesses, in order that if the pawnbroker should take more than five per cent. (upon which, as will hereafter be demonstrated, he cannot live) they may have an opportunity of bringing actions against him upon the statute, and thereby of subjecting him to the forfeiture of treble the money lent.

It is, however, not necessary to dwell longer upon this circumstance, because it is the common practice of the trade to transact business in the open shop, and before witnesses, if they have no previous reason to suspect the persons offering the pledge, and the pledger himself does not desire to negociate in secret.

It is objected, and not without some degree of seeming reason, that this trade is an encouragement to idle and thoughtless persons, who, while they can be supplied in this manner, will extend their care no further than their present wants; and that this is a method convenient for bankrupts to secrete their goods, and defraud their creditors.

To this it may be answered, that as pawnbrokers are obliged, at the taking of their pledges, to make such an allowance as will be sufficient at the end of two years to reimburse them their principal, and reasonable profit, it cannot, in consequence, be so eligible a way for an indolent person to pledge his goods as to sell them, whereby he will raise a fourth more than the pawnbroker will lend him. And certainly no person who lends money can be deemed culpable for the misapplication of it by the borrowers.

This objection may be urged with equal justice against every other trade; and with the same reason that pawnbrokers are suppressed on this account, it may be decreed by the parliament that, in order to put a stop to indolence, extravagance, and profuseness, a general restraint should be put upon all traders, prohibiting them to traffic with an extravagant or indiscreet person for his property, lest he should misapply the money it produces; for the

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case, when it is considered, will be found in every circumstance the same.

With regard to bankrupts it is not very likely, that, if they are inclined to defraud their creditors, they will apply to pawnbrokers for assistance, since they can never be at a loss where to sell their goods and appropriate to themselves the whole value, without danger of discovery; whereas, when they are only pledged, they might be produced by accident, or the honesty of the pawnbroker, and their creditors might recover their debts, and the bankrupt suffer for his crime.

It is farther advanced, that pawnbroking instead of assisting, tends to oppress the industrious poor, to whom it would be more advantageous to sell the goods than be obliged to pay an exorbitant interest for the loan. But a calculation, which, to any person who is the least acquainted with the difference between buying and selling of furniture or wearing apparel, must appear far below the truth, will undeniably evince, that the business of a pawnbroker is of real and daily advantage to the necessitous and honest. Suppose a mean tradesman has a necessary call for 10*s.* which, his credit being bad, he is obliged to raise of a pawnbroker, by pledging a necessary garment: this, at the present rate of interest usually taken by the pawnbrokers, he may redeem at any time within a month, upon payment of threepence, within two months upon payment of sixpence, and three-pence a month for any time long or short the pledge shall remain unredeemed. If we suppose this business wholly suppressed, and the man obliged to sell that garment, he must, when his circumstances will permit, furnish himself with another, which we will say, for argument sake, is of equal goodness; this, experience in trade will prove not possible to be done for less than 14*s.* The reason of such disproportion is manifest, in that the buyers of cast-off clothes trade upon small capitals, which they must return at large profits, and not being certain to find a customer whom that garment will exactly suit, common prudence directs them to give much less than the value to the owner, and the buyer of the one must have a profit as well as the seller of the other, which together will put the person to the expence above-mentioned to re-instate himself. Suppose, for example, a suit of men's clothes of broad cloth, which it is very well known usually costs 8*l.* If a person having made up such a suit, and never put them on, should be obliged to sell them, they would be looked upon as second hand clothes, and he would find it extremely difficult to procure a dealer who would afford to give him 5*l.* To descend to lower instances; if a poor woman is obliged to sell her apron for twelve-pence, she will not be able to procure one equally good a week after for eighteen-pence, though she might at a pawnbroker's redeem the same apron at the expiration of a month for a halfpenny.

These instances are sufficient to shew the great disadvantage it would be to people of inferior rank, were they obliged to sell their goods; and if we consider the case with regard to persons of higher condition, the great loss they must sustain is no less obvious. If a man is obliged to part with a piece of plate, the immediate loss will be three-pence an ounce in the weight of the silver, and sixpence for the duty, and even in plate of common workmanship, a shilling an ounce for the fashion, amounting in the whole to one shilling and ninepence an ounce. This loss must be submitted to, if the money is wanted only for a week or fortnight, and in jewels, lace, and some other things, it would be far more considerable.

Thus far the practices of pawnbrokers have, in my opinion, appeared to be defensible; but there still remain prejudices against them which ought to be examined, and which perhaps nothing but examination is requisite to remove. It is generally, and hitherto without any public contradiction, alleged, that this business flourishes most when others decline. But surely the very nature of it, when it is closely inspected, will shew that it depends upon the vigour of trade, and the quick circulation of money; for from thence frequent occasions for small sums must arise, and the borrower will thereby be enabled to discharge the loan and the interest, which is not to be expected when commerce is destroyed, and necessity every day increasing.

It has been urged, with an eager, and, I believe, with an honest zeal, that the interest taken by the pawnbroker for the sum advanced is so exorbitant, that if such means are often taken, the unhappy borrower is soon made destitute of all means of raising a future supply, and the pawnbrokers have accordingly been charged with cruelty and extortion.

As this objection seems to be of great weight, it shall be considered, first, as it is

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stated by those gentlemen who have produced it, and afterwards an attempt shall be made to exhibit the facts as they really stand, and it will most certainly be made appear that the interest, or more properly the profit, of the pawnbroker is not equal to the profits of any other retail trader. The instances given by the gentlemen for the Bill were, that sixpence taken upon the loan of one pound for a month is exactly 30 per cent. that a half-penny taken upon the loan of one shilling for a week is about 116 per cent. and for one day about 1,300 per cent. That these cases are truly stated, and often happen in the course of their trade, and that the calculations are extremely just, shall not be denied.

To the first of these instances, if it may not give offence to put a pawnbroker upon the footing of a trader, there is not a trader living, who having a month ago bought a commodity for which he gave one pound, will think his conscience in the least loaded if he should now sell it again, and thereby gain one shilling, which is 60 per cent. and double what the pawnbroker generally takes. With regard to the other instances, the profit upon first view appears exorbitant and oppressive; but will, when considered, be found to be so trifling, that this objection must necessarily fall to the ground.

As the largest profits are taken upon the smallest pledges, it will be necessary only to give one instance, where in the case of the most exorbitant profits, with regard to the money lent, and where the borrower must at least pay 1,300 per cent. per ann. the pawnbroker does not get the common price of time and wages of labour.

Suppose a man, whose capital is 2,000*l.* able to lend 5*l.* of it in the sums of one shilling each every morning, and the goods pledged should be redeemed the same night, which no pawnbroker ever yet saw, by which he will gain 1,300 per cent. per ann. upon that part of his capital. This must necessarily be divided into 100 parcels, each of which is to be examined into as to the value whether sufficient, is to be folded up and carried into a warehouse, where it is to be disposed in a proper place appointed for its particular sortment, so as to be found at a moment's warning; the parcel must be likewise billed or ticketed, sufficiently to denote the goods, the owner, the time of pledging, and the sum lent: it must likewise be entered in a book to the same purpose; when it is called for, it must be fetched out of the warehouse, which is usually up two pair of stairs, the bill must be cancelled, the book discharged, and the delivery entered in a delivery book, which is absolutely necessary, in order to see that the goods are brought to account; so that upon the whole there must be at least twenty words written. All this and warehouse-room are of absolute necessity; and supposing a man and one servant capable of transacting this business, the profits will be 100 halfpence, which is 4*s.* 2*d.* gained by two persons in a day, out of which house-rent is to be paid.

Let us now for a moment forget that we are considering the profit of that hated animal, the avaricious pawnbroker, and supposing so much business done, and no money passing at all, we must allow the profit not to amount to common wages. Having given an instance of the fallacy which attends the considering profits taken by the pawnbroker, merely as interest, or as a compensation arising to him principally for the loan of the money in small sums, it will be necessary to consider his profit upon large pledges, and lastly to see what upon the whole he gains yearly by his capital, which, as I have before observed, must be upwards of 2,000*l.* or he cannot support his expence, as has been just mentioned. No pawnbroker was yet capable to employ five pounds of his capital in this manner; and if it should so happen, as that he would thus employ 100*l.* he must necessarily keep forty servants to transact this particular branch of business, which, the profits not being sufficient to maintain them, must inevitably ruin him.

As the pawnbrokers, upon that part of their stock which is redeemed, usually make about 30 per cent. some part of their capital must necessarily lie by to answer present demands. Great part is out upon dead stock, or pledges, which do not return; they are, as the law now stands, subject to vexatious suits, and other expences, they are so frequently tricked and imposed upon, that upon the whole their capitals, one with another, as it appears uncontradicted, produce no more than 16 or 17 per cent. The misfortunes and hazards these men are subject to from the wickedness and crafts of those laying plots to defraud them, and all other inconveniences to which they are exposed for want of a regulation, fall in the consequence upon the honest and industrious poor, from whom the pawnbroker is obliged to take a larger interest than would otherwise be necessary to compensate the ca-

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sualties and inconveniences which he so often suffers. But to answer all objections that have been made to the business, the persons following it have nothing more at heart than to be put under such restrictions as the legislature shall think conducive to the public prosperity, and for that purpose have with great candour submitted their business to the strictest examination.

This Argument had such an effect on the House, that the first Bill was altered, and the following provisions were made:

"That every pawnbroker shall be licenced by the justices of the peace at the quarter sessions; that in order thereto he shall give public notice in the Gazette three times before the time of licensing; that he be a housekeeper, or person who has served an apprenticeship, and of good reputation; that he follow no other business or profession; that he constantly keep a fair and regular entry-book of the pledges he receives, the time when, and the money lent; that upon every pledge of more than the value of 20*s.* he shall give a receipt to the party pledging it; that he shall be obliged to produce the pledge, thereby to give the owner an opportunity of selling it, if he is not able to redeem it; that upon producing to him warrant, he shall immediately search his warehouses and books, and produce the goods in question, if possessed thereof. The rate of his interest and reward for his trouble is settled at one-third less than now taken; which, supposing there are no more than 200 pawnbrokers trading at an average upon 2,000*l.* capitals each, will be a saving to the industrious poor of at least 20,000*l.* per ann. It is further provided, that every person, upon paying the premium, may prevent his goods, if not perishable, from being sold; that in cases of bankrupts effects being pledged, the pawnbroker shall be entitled to but 5*l.* per cent. and the pawnbroker be empowered to stop suspicious persons, and carry them before a magistrate; and that it shall be lawful for every pawnbroker to sell the pledges, if not redeemed, or the premium discharged, within one year."

Debate in the Commons on the Supplies.] February 6. The Committee of Ways and Means came to this Resolution: "That the several duties on Salt, and also on red and white Herrings, delivered out for home-consumption, which, by an act of 14 Geo. 2, were continued and granted to his majesty, his heirs and successors, until March 25, 1753, be further continued from March 24, 1752, to March 25, 1759, which Resolution was agreed to by the House.*

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Feb. 1. Mr. Chancellor of the Exchequer in the Committee of Supply acquainted the House, that his majesty had found it necessary in the interval of parliament to make use of the power given him by the Clause of Credit * in the Appropriation Act, and had out of the monies therein granted, issued certain sums in pursuance of the treaties that were now before them; which had caused a considerable deficiency in the supplies of last year. He enlarged a little on the necessity and usefulness of those treaties; without the first, he said Mentz must have fallen into the French hands, and without the second the Dutch frontier on that side would be left exposed to any impression from France: and since the great event which had just happened (viz. the Emperor's death), he believed every body must allow the advantage of having those electors, particularly him that presides at the diet, attached to the common interests. As to the 150,000*l.* granted at the pressing instance of the queen of Hungary, he repeated the reasons cited above from the Preamble, and I think, added that the representations of the king's minister at Vienna on those points, agreed with M. Wasners here; and that if this sum had not been furnished at so critical a juncture, all those vast expences we had already been at in the prosecution of this quarrel would have proved fruitless, and the queen of Hungary been crushed at once by the formidable and superior armies of France and her allies. His motion was "That 177,000*l.* should be granted to his majesty for making good the deficiencies of the Aids granted last session."

It must be observed, that 14,000*l.* raised

* "Provided nevertheless that it shall and may be lawful for his majesty to issue and apply out of the Aids aforesaid, such sum or sums of money as shall be found necessary to be issued and applied, for or towards the payments of such Subsidies or other charges as shall be due upon treaties made or to be made with his majesty's allies, or any other expences for the service of the war, for any time before or till the 25th of December 1744."

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*Debate in the Commons on the Bill for taking away the Negative Voice of the Aldermen of the City of London.**] Feb. 12. A Bill for repealing so much of an act passed in the 11th of Geo. 1, intituled, "An Act for regulating Elections within the City of London, and preserving the Peace, good Order, and Government of the said city, as relates to the making or passing of acts, orders, or ordinances, in Common-Council," was, according to order, read a second time, and a motion

then in the Ways and Means was not appropriated to any particular service; this, together with the larger sum moved for by Mr. Pelham, was the amount of the Subsidies paid upon these treaties.

Sir J. Philips questioned whether the crown was authorised to apply more than the unappropriated 14,000*l.* to extraordinary services, and started some frivolous objections to the treaties; but his friend sir John Cotton set him right in that point, and said he had generally spoke against the Clause of Credit because it left every part of the supplies loose which the parliament had in the preceding clauses fixed to particular uses, and put too much power into the hands of ministers.

Sir G. Oxenden would have had it specified in the vote that this sum was granted pursuant to the treaties, but Mr. Pelham told him that would be irregular now, but very proper to be done when the subsidies for 1745 came under consideration.

Nothing material passed besides, and the question was agreed to almost unanimously.

Feb. 6. Mr. *Chancellor of the Exchequer* opened the Supply to the Committee in a very clear and distinct manner. He acquainted them, that besides the produce of the Land, Malt, and Sinking Fund, three millions more must be raised for the current service.† The scheme he proposed was as follows; 1,000,000*l.* at 3 and ½ per cent., 1,500,000*l.* at 3 per cent., 500,000*l.* by a lottery of 50,000 tickets at 10*l.* each; and 22*l.* 10*s.* annuity for life to any person (to be named in half a year) that subscribes 3,000*l.* He said further, that as a fund must be established for paying the interest due upon the 3,000,000*l.* which would amount to 177,000 odd hundred pounds per annum, he had weighed the subject with all the care and attention he was master of, and had a Scheme to lay before them which he would submit entirely to their judgment. The first branch of it was to continue the duties on Salt which expire in 1753, for 6 years longer, to 1759, and as he judged it of great moment to shew the world we were in a condition to carry on the public service another year, and had made a considerable progress in the means of doing it, he would move them to come to a resolution on that head immediately; but with regard to the second branch of his Scheme, as it related to the imposition of a new duty, he would, after explaining what it was, leave it to be decided some days hence, in order to give gentlemen time to consider whether it was agreeable to them.

The Wines imported into this country, he told us, at a medium of five years amounted to 17,000 tun per ann.; and he computed that a further impost of 6*l.* per tun on claret, and 4*l.* on all other wines, would produce 70,000*l.* per ann.; which added to the Salt made 105,000*l.*; a sum sufficient, with a small deficiency, (to be laid on the Sinking Fund, and replaced to that, as the annuities fell in) for discharging the interest of the three millions. Two other Schemes had been proposed to him, which he would just mention to the committee, that they might have before them at once all the lights he could give; a duty on Tobacco, and a duty on Spirituous Liquors. But for several reasons, which I will not enumerate, he thought his proposal preferable to either. I must not omit, that in specifying the several articles of the public service, for which a provision was still to be made, as Subsidies, Extraordinaries, Foreign Troops, &c. He threw out some hopes of the accession of Russia to the common cause, the vigorous exertion of whose strength against our enemies, he intimated, would be richly worth any price we should pay for it. He concluded by a motion for the continuance of the Duties on Salt.

Sir *John Barnard* was very severe on the Bank for insisting on an additional half per cent. before they would lend on the land tax; for which he said they were

* From the London Magazine.

† *Total of the Supplies.*

	£.
Land Tax	2,000,000
Sinking Fund	1,000,000
Raised by Mr. Pelham	3,000,000
Malt	700,000
	6,700,000

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being made, that the Bill be committed, the following debate* ensued:

Mr. *Pelham* rose and said:

Sir; I now rise up to do what I should be very far from chusing, and what I should certainly avoid, if I were not in my own mind fully convinced, that it is absolutely necessary for the preservation of the peace and tranquillity of my native country. I rise up, Sir, to oppose the

condemned by their own proprietors; had given a fatal stab to national credit, and forfeited every future advantage from the public. He did not now rise to oppose, but owned a further duty of 4*d.* per gallon on spirituous liquors, continued to be his favourite scheme, which at the same time would tend to suppress a most dreadful evil, and raise money enough for the uses of the government. And he thought all kinds of wine, except claret, were charged to the full. He likewise declared it as his opinion, that Annuities for Lives should be altered into Annuities for a term of Years, and that rather than comply with the Bank, the Treasury ought to have opened books and taken in private subscriptions, as had been formerly practised.

Sir *Daniel Lambert*, a Portugal merchant, started an objection, that the king of Portugal would, in return for the new duty on his wines, lay a further imposition on our English manufactures, from which our commerce would receive a notable prejudice; and that of our rivals, the French, as much benefit.

Col. *Bladen* said in answer to this, that by the treaty, he could not, whilst we observed the proportion therein specified, of charging claret one-third more than the wines of the Portugal growth; and that it was not probable he would think it his interest to tax our commodities higher, because he had no other vent for his wines than England; neither France nor Holland taking one pipe of them.

* For the better understanding this debate, it must be observed, that as the common-council of the city of London makes but one court, consisting of the lord-mayor, aldermen, and common-council-men, all sitting in one room or house, and called in all public acts, the lord mayor, aldermen, and commons of the city of London, in common-council assembled; neither the lord-mayor, aldermen, nor commons, as such, had any Negative before the year 1725, but all voted indiscriminately, as members of one and the same court, and a majority of the whole determined the question, even though the lord mayor, or a majority of the aldermen, or a majority of the commons, was against it. In that year, from what considerations, public or private, we shall not determine, a Bill was brought in, and passed into a law, entitled, "An Act for regulating Elections within the City of London, and for preserving the Peace, good Order, and Government of the said City;" whereby it was, among other things, enacted, "That no act, order, or ordinance whatsoever, shall be made or passed in the common-council of the said city, without the assent of the mayor and aldermen present, or the major part of them, nor without the assent of the commons present at such common-council, or the major part of them."

This Negative Power, vested in the lord-mayor and aldermen, was, by most people, deemed to be of dangerous consequence, because a minister might find means to gain a corrupt influence over a majority of the aldermen, who are chosen for life, and thereby prevent the city's coming to any resolution as a corporate body, however necessary it might be at the time, for the preservation of the liberties or trade of their country. Therefore, many of the most eminent citizens, and even many of the aldermen themselves, had for a long time struggled to get this law repealed, and the city restored to its ancient form of government. For this purpose, on the 25th of January, 1745, a Petition of the lord-mayor, aldermen, and commons of the city of London, in common-council assembled, was presented to the House of Commons, representing, That the said act had by no means answered the good ends and purposes thereby said to be intended, neither had the same, in any wise, preserved the good order and government of the city; but that the exercising the Negative Power, thereby given to the mayor and aldermen, had occasioned great jealousies and discontents among the citizens, highly obstructed the proceedings of common-councils, and tended greatly to destroy the peace and good order of the said city; that by this law the commons in common-council, (though composed of no less than 236 citizens) should they be unanimous, might by the Negative Votes of the mayor, and two or three aldermen, be restrained from making any act, order, or ordinance, however advantageous or beneficial to the said city; and that the petitioners conceived, that so great a power, lodged in so few hands, might, in time, prove subversive of the rights and privileges of the citizens of London, and destructive of the very essence and being of common councils: and therefore praying the House to take the premises into consideration, and to do therein, as to the House should seem meet and agreeable.—This Petition being read, a Bill was ordered to be brought in for repealing so much of the said act as related to the making or passing of acts, orders, or ordinances in common-council, *ut supra*.

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motion for committing the Bill, which has now been read a second time to you. The Bill, I know, is a favourite Bill among the people without doors, especially those of the city of London; and, therefore, I am sensible, that I run a risk of incurring the popular odium, by my opposing the progress of such a Bill: but this shall never deter me from acting in this House according as I think the interest of my country directs; and it is this alone that calls me up upon this occasion. Power is an enjoyment that is grasped at, and assiduously sought after, by all mankind, though very few are capable of making a right use of it: it was this that created the many jealousies and contests between the Patricians and Plebeians, and between the senate and tribunes of ancient Rome; which at last rose to such a height, and were carried on with such violence, as to put an end to that glorious commonwealth. It is this that makes the populace so fond of every regulation that gives them any share, or adds to the share they have, in the government of their country; and yet it is plain from history, that no free state ever long endured, where the populace had any great share in the government; and that while it did endure, it never possessed any settled peace or tranquillity. Men will always be more governed by their passions than by their reason, and it is so difficult to foresee and determine what is most for the public good, that men are apt to determine that to be most for the public good, which best suits with their private views and passions. This is the cause, that where the people have too great a share of the government in their hands, the peace of the state must always be disturbed with parties or factions; and as the vulgar, great as well as small, have generally but very little foresight, and are violent in the pursuit of every passion, this always, at last, furnishes the leader of some party or faction with means to overturn the constitution of their government, and to usurp to himself a sole and arbitrary power.

I could demonstrate this theorem, Sir, from observations upon the history of almost all the commonwealths that ever had a being, and are now no more; but as the Roman history is best known, and most adapted to this purpose, I shall confine my observations to that history alone. After the expulsion of their kings, and the establishment of a republican form of government, the people got, it is true, immediately, a very great share in the government, by the law that introduced an appeal to the people, for which the chief promoter got the name of Publicola. By this, and by the election of their annual magistrates, the people had, I say, a very great share of the government: but for many years it was in appearance only; for the senate and chief Patricians, even after the tribunes of the people were instituted, had so much influence among the people, that they preserved in their own hands the whole of the administration, by getting the people to chuse such magistrates as they directed, and to make such decrees upon appeals, as they thought proper and just; but the people, spirited up by popular leaders, were every day aiming at getting more and more power into their hands, and by the same means the influence of the senate, and chief Patricians, grew every day less and less. The first conquest the people made upon the senate, was that of obtaining the establishment of tribunes, with most extraordinary powers; and the next they made was, the obtaining a law for the allowing of marriages between Patricians and Plebeians. About the same time they got introduced the custom of chusing military tribunes in the place of consuls, because the Patricians would not allow, that any Plebeian could be chosen a consul, whereas a Plebeian might be chosen a military tribune; and by means of this dispute, the commonwealth came to be governed for many years by military tribunes instead of consuls; though such was the modesty of the people, that for above 50 years after this sort of magistracy was first introduced, no Plebeian could get himself chosen a military tribune. But the greatest conquest which the people of Rome obtained over the senate and Patricians, was the law for rendering a Plebeian capable of being chosen a consul; for from that time the influence of the senate diminished very fast, and the people began to grow every day more licentious.

Thus, Sir, a way being opened for popular leaders, whether Patrician or Plebeian, to arrive at the chief dignities and magistracies of the state, and the people having got almost entirely into their own hands the conferring of those honours, and repeating them as often as they pleased, a popular leader at last put an end to the liberties of the people for a time; and soon after him, another popular

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leader put an end to them for ever. When I say this, every gentleman must suppose, I mean Caius Marius and Julius Cæsar, names well known to those who are versed in the Roman history. Marius, though of mean extraction, even among the Plebeians, raised himself to such favour among the people of Rome, by his success in war, and by patronizing every popular law proposed, that he was chosen consul for three years successively, which enabled him to continue himself by force or corruption in the same high office for three years more, in spite of all that the nobles of Rome could do against him. I say, nobles, Sir; for by admitting Plebeians into all high offices, the distinction between Patricians and Plebeians had by this time begun to be forgot, and the distinction that came in its place, was that of the nobles and people. It is true, the nobles, by the help of Sylla's army, got the better of Marius, and drove him into exile in Africa; but the very next year, Sylla being gone with his army into Greece against Mithridates, Marius returned, and joining with Cinna, after a terrible slaughter of the nobles, he seized upon the city and government by an armed force, which his party held by the same means after his death, till Sylla returned with his army from Asia, and after several victories, destroyed all the heads of that party, and restored what was called the party of the nobles, reserving, however, to himself a dictatorial power.

Did these misfortunes, Sir, render the people of Rome more wise? Did they from thence learn not to aim at more power than they knew how to make use of, or not to put more confidence in their pretended patriots than they deserved? No, Sir. Presently after Sylla's death, Julius Cæsar, though he was of noble extraction, put himself at the head of the popular party, and patronized every proposition that tended to encrease the power of the people; because from the experience of what happened in Sylla's time, he saw, that that was the only party that would support him in, as well as raise him to arbitrary power. By patronizing Agrarian and such other laws, he recommended himself to great favour among the people; and as he knew, that military glory and a good army were necessary to raise him to the highest pinnacle of power, he made use of that favour for obtaining the government of Transalpine Gaul, to which he got by the same favour the province of Cisalpine Gaul afterwards added, though every wise man at Rome saw, that it was dangerous to join these two commands together, because the first furnished him, of course with a great army, and the second with an easy access to Rome itself, in a condition to seize upon the government of his country; but the populace could not see this danger, nor could they penetrate into his design of involving his country in a war with the Gauls, or of desiring to continue for several years in the command of those two provinces: whereas his design in both was perceived by the senate and great men at Rome. They saw, that by involving his country in war, his design was to recommend himself to the populace by his military glory; and that by desiring to continue long in the same command, he designed to model his army so as to make it the army of Julius Cæsar, and not the army of the commonwealth of Rome.

All this, I say, Sir, was foreseen by the senate and great men of Rome; but they neither could recall him, nor call him to an account for unnecessarily involving his country in a war, without the consent of the people; and they were so blinded with his military exploits, and the favour he had formerly gained among them, that it was not possible to make them see the danger, or consent to recall a general, who was every day sending them accounts of victories gained over their most ancient and most formidable enemy. There he staid, there he fought successfully, till he made the army his own; and then, instead of dismissing his army, as was required by the senate, he marched with it to Rome, and conquered his country. So blind were the people to their own interest, so ready to assist their favourite in overturning the liberties of their country, that the tribunes they had chosen declared against the senate, and having fled from Rome, took shelter in the camp of Cæsar. So it was, Sir, in the commonwealth of Rome, so it will be in all commonwealths where the people are vested with too much power. They are extravagant in their favours, as well as resentments, which makes it easy for a favourite to obtain so much power from them, or such a long possession of power, as enables him to strip them of all manner of power whatsoever; therefore, in every free state, it is absolutely necessary, for the preservation of its freedom, to have a senate or assembly of nobles, or chief magistrates, vested

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with a power to give a check to the extravagances of the people.

This, as I have said, Sir, we may learn from the history of every commonwealth that ever was brought under the sole and arbitrary power of one man; and in particular, we may learn it from a late instance in our own history. As the constitution of our government is, I believe, the most perfect and the best contrived for duration, of any that was ever invented, the people are, by means of this assembly, provided with a sufficient power to prevent their being oppressed, either by our nobles, or by those employed by the king in the executive part of our government; and if the people should, by means of this assembly, become at any time extravagant in their pursuit of power, or in bestowing favours, either upon a popular king, or popular subject, the other House has, by our constitution, a power to give a check to our proceedings. While our constitution remains entire, and each branch of the legislature preserves the check it has upon the other two, the freedom of our government must remain secure; and as often as this check is removed, or any way clogged in its operation, our liberties begin to be in danger.

Of this, Sir, we had a notable instance about an 100 years ago. The people being rendered generally discontented by the ill management of the court, and drove into enthusiasm by the pride and arrogance of some of the leading clergy, this House began to encroach upon both the other branches of our legislature; and having the populace on their side, by means of mobs and riotous assemblies, they made it impossible for the other House to exert that check which, by our constitution, they ought to have upon this. What was the consequence? The people, by means of their representatives in this assembly, having got the whole power of the government into their hands, murdered their king, overturned the constitution of their country, and were, at last, themselves subjected to the sole and arbitrary power of the general they had raised and appointed to command their army.

Is not this, Sir, a recent proof, from our own history, that it is of the most dangerous consequence to a free state to lodge a great power, without any controul, in the people, or in any popular assembly? And when we consider this, shall we go about to repeal a law which is so necessary for putting a proper restraint upon the proceedings of that popular assembly called the Common Council of the City of London? Whether the Lord Mayor and Aldermen have always had a Negative Voice in the Common Council, is what I shall not positively determine; but to meet it seems highly probable that they have, because it is so analogous to our national constitution; and it is reasonable, I think, to suppose, that the government of our capital city was, by its first establishment, made as similar as possible to the government of the nation. If we suppose this, we must of course suppose, that the Court of Aldermen in the city, stand in place of the House of Lords in our national establishment; and, consequently, we must suppose, that they have always had a Negative upon the proceedings of the Commons.

Besides, Sir, it is highly reasonable it should be so: the Common Council of the City of London is a popular, and a very numerous assembly: it would be dangerous, as I have already shewn, to give an assembly of this kind such an extensive power as they have, without any check or controul. In the fervency of their zeal, affection, or resentment, they might come to such resolutions as might endanger not only their own liberties, but the liberties of the nation; for in all our broils and disputes, and much more in our civil wars, the city of London has been of the utmost consequence, and has generally turned the scales to whatever side she declared for. It is therefore of great consequence to the nation to have the resolutions of the City of London directed with wisdom, and prevented from being governed by any popular madness or frenzy; and as they have always hitherto been wisely directed, I think it is a plain proof that the Aldermen have always had a Negative in the Common-Council; otherwise it is hardly possible to suppose, that such a numerous popular assembly would not sometimes have run into great extravagancies. The Aldermen are always men of known abilities and experience; and as they are chosen for life, they are not liable to be infected with any frenzy that may rage among the people; it is not therefore to be supposed, that they will ever agree to any measure, that, like many other noxious productions, owes its origin to heat, and cannot subsist in a temperate climate. But the Common-Council-Men are chosen, and may be changed annually; consequently, they cannot always be men

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of experience, and must all be such as give into, and encourage the violent humours that happen to prevail among the people at the time. If they judge coolly, and act with moderation, they are sure to be dismissed at the next election; and as it is justly thought an honour by every citizen to represent his ward in the Common-Council, this must make him cautious of behaving in such a manner, upon any occasion, as may disoblige those that chuse him.

From these considerations, Sir, and, from the continued steadiness and wisdom of the City's conduct, we have great reason to suppose, that the Aldermen have always had a Negative in the Common-Council; though, perhaps, the question, by their not having had an opportunity, or rather their not having been for a long time under any necessity to exercise their Negative Power, had become doubtful, and was contested, when the law was passed, which is now proposed to be repealed; but suppose it was then clear, that they had no such Negative, the thing is in itself so reasonable, and so necessary for preserving the tranquillity of the city, and even the tranquillity of the nation, that if there were now no law in being for giving them a Negative, I should be for our passing such a law as soon as possible. It is really, in my opinion, ridiculous to suppose, that the Aldermen have not a Negative, or that the majority of the Aldermen present as well as the majority of the Common-Council-Men, must not agree to every question before it can pass into a Resolution. Let us consider the stile of all their acts, orders, and ordinances: the stile is in these words, "It is resolved," or, "Be it enacted by the right hon. the Lord Mayor, the right worshipful the Aldermen, and the Commons, in Common-Council assembled:" Now, as the Commons are in number 236, and the Aldermen but 26, if they were all to vote together upon an equality, and without any distinction between the votes of Common-Council-Men and Aldermen, a question might be carried by a great majority, though every one of the 26 Aldermen should declare most strenuously against it. In such a case, would it not be ridiculous to say, "It is resolved," or, "Be it enacted, by the right hon. the Lord Mayor, the right worshipful the Aldermen?"

Sir, if the Bill now before us should pass into a law, I hope the City will for the future change their stile and say, "Be it enacted by the Commons in Common-Council assembled;" for if a great majority of them be for the question proposed, it will signify nothing whether the Aldermen be for it or no: nay, I believe, few or none of them will ever give themselves the trouble of attending; for should they appear unanimous and strenuous for or against any motion, it may be the chief cause of its being carried against them; and should this happen to be the case, as it probably may, I shall expect to hear of such resolutions passed in the Common-Council, as may give great disturbance not only to the city, but to the whole nation. But this, I hope, will be prevented by our disagreeing to the Bill.

I know, Sir, and if I did not, the Petition upon which this Bill is founded, would inform me, that several objections have been made to the Aldermen's having a Negative in the Common-Councils. It has been said, that this Negative is so far from preserving the good order and government of the city of London, that the exercise of it has occasioned jealousies and discontents among the citizens, obstructed the proceedings of Common-Councils, and destroyed the peace and good order of the city. But this, Sir, is the way of thinking only among the petitioners and their friends; for in my way of thinking, and in the way of thinking of most of the citizens I have conversed with, the peace, order, and good government of the city would have been several times lately destroyed had it not been for this Negative, which was given to the Lord Mayor and Aldermen by the Act now proposed to be repealed. If any jealousies or discontents have of late years arisen in the city, they were not occasioned, but put a stop to, by the exercise of this power. In all cities there are innovators and ambitious projectors, who are every day contriving schemes for the advancement of their power and popularity. In the city of London some such are daily making their appearance; and if some of their schemes have been nipped in the bud by the exercise of this Negative, it may have occasioned jealousies and discontents among them and their friends; but if their schemes had been allowed to blossom, and much more, if they had ripened into the fruit expected from them, they would, I am sure, have occasioned much greater jealousies and discontents among the citizens, and might have spread jealousies and discontents over the whole nation.

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I shall grant, Sir, that the exercise of this Negative may have obstructed the proceedings of Common-Councils: it was designed for that very end: it was designed as a check upon the proceedings of the Common-Council; and I have shewn, that it is necessary to have such a check upon the proceedings of every popular assembly that is entrusted with any very extensive power. But I will aver, that the proceedings of the Common-Council were never obstructed by the exercise of this Negative, except when they deserved to be obstructed; and, in any other case, I am persuaded they never will. Though the Aldermen have been now for very near twenty years invested with this power by an express act of parliament, yet, so far as I can recollect, they have never exercised it above three or four times; and at every one of these times, the proceedings of the Common-Council were such, that if a stop had not by this means been put to them, they would certainly have exposed the city at least, if not the whole nation, to great disquietudes and dangers.

Another objection against this Negative, which is likewise mentioned in the Petition, is this, Sir: It is said, that the unanimous resolution of the Common-Council-Men may be defeated by two or three Aldermen, however advantageous or beneficial it may be to the city. Now this, Sir, I expressly deny; for as every Alderman has a right to be present at, and is expressly summoned to every Common-Council; and as no matter of great importance is ever, or indeed ought to be brought before them, till the Lord Mayor and most of the members have been acquainted with it, and have had some days to consider it, it is not possible to suppose a Common-Council so ill attended upon such an occasion, as not to have above five Aldermen present at it. Most probably, upon every such occasion, they will all attend: if they do, fourteen of them at least must concur in putting a negative upon the motion; and however unanimous the Common-Council-Men may be, I shall not easily believe any proposition to be for the advantage or benefit of the city, if fourteen Aldermen declare against it; for as they have generally a greater stake, and are better judges of the true interest of the city, than most of the Common-Council-Men, I cannot suppose, that ever fourteen of them will join in opposing any thing that appears to be advantageous or beneficial to the city; especially as most of them live in the city, and consequently would run the risk of being *De-Witted* by an enraged populace, should they thus oppose what evidently appeared to be for the interest or happiness of the city.

In short, Sir, I cannot believe, that ever the Aldermen will exercise this negative power, but when the Common-Council men are running into some seditious or licentious proceedings, or when they are going to sacrifice the interest of the city to their affection for some popular favourite. Both these errors the populace of every great city are very apt to fall into; and as the Common-Council-Men of the city of London must always be very much influenced by the opinions, and even the passions, of the populace, their falling into such errors is always to be apprehended. If they ever do, this Negative of the Aldermen will be of great service to the city, and therefore I must be against repealing the law by which it is established.

Sir *John Barnard*:

Sir; although I should be sorry to gain the hatred of my countrymen, yet I am not so fond of popular applause, nor so much afraid of popular odium, as to regulate my conduct in this House by either. I must indeed confess, that I have such an opinion of the good sense of my countrymen, and have, by experience, found them so often in the right, that it is with the utmost caution and after the most mature deliberation, I ever differ from what I find to be the opinion of the public; and, I believe, it would be much better for the nation, if our ministers of state, as well as the members of this House, had always the same regard for it. With regard to the Bill now before us, whatever the hon. gentleman may have heard from the citizens he has talked to upon the subject, I can assure him, that it has been, and is now, called for by the general voice of the citizens of London; but this I shall not desire him, or any other gentleman, to take upon my testimony, because every one may be convinced of it by the Instructions given by the citizens to their members at the beginning of this very parliament, the last article of which is to require them to persist, with unwearied diligence, till they should prevail in getting laws past for restraining the exorbitant power pretended to reside in the court of Aldermen. As these instructions were given by a court of hustings, which is a general assembly of all the citi-

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zens; and as they were agreed to without the least opposition, it is an undeniable proof, that the citizens of London are generally against this negative voice, lodged by a late statute, in the court of Aldermen; and consequently, the exercise of this power must necessarily produce jealousies and discontents among the citizens.

In this case, therefore, Sir, I have the pleasure of finding a great majority of my fellow-citizens of the same opinion with me; for when this negative voice was first given to the court of Aldermen, I was of opinion, that it would be of dangerous consequence to the liberties of the city, and productive of great jealousies, animosities, and discontents; and in this opinion I have since been confirmed by experience, as well as by the concurrence of a great majority, I may say, of all my fellow-citizens, who have a due regard to the privileges of the city, or the liberties of their country. In this, therefore, the hon. gentleman and I differ widely in opinion; but in another opinion I shall in part join with him. I shall admit that power, even a lawless power, is grasped at, and assiduously sought after, by too many of the human species; but I cannot admit that either a lawless, or a constitutional power is grasped at by all mankind: on the contrary, I believe, most part of men are so low in their circumstances, that ambition, or the lust of power, never so much as once enters their thoughts; and a great majority of those of superior circumstances have, I hope, as they ought, their thoughts more taken up about guarding against lawless power, than about the pursuit of any constitutional power. To all those, therefore, that do not aim at lawless power, I must recommend the consideration, that the lust of riches is as vehement, and much more general than the lust of power, and that this lust of riches has always been the best handle that could be made use of by those who were aiming at lawless power.

When we consider this, Sir, we shall of course find, and must conclude, that the complaints against this negative voice in the court of Aldermen do not proceed from any unreasonable lust of power in the body of the citizens of London, but from a most just and reasonable apprehension, that this negative may, by corruption, be made use of by those who are aiming at acquiring a lawless power over their country, and especially over the city of London; and this is a danger which we are in this country, and particularly at this time, much more exposed to, than we are to the danger of our liberties being overturned by the people assuming to themselves a greater extent of power than they know how to make a proper use of. Those who have been taught and accustomed to vilipend the knowledge, the judgment, or the discretion of the people in the exercise of power, may, perhaps, think, that the liberties of a country may be endangered by lodging too much power in the hands of the people, or what we in this country call the commons; but this can never be the case, as long as the nobles and the chief families among the commons preserve so much as the appearance of any virtue or public spirit among them. Whilst the nobles and great families of a country are, or even seem to be, influenced in every part of their public conduct, by virtue, and a generous regard for the good of their country, the people will always entrust them with the exercise of whatever power may be lodged by the constitution in their hands, and the noble and great families will always have so much influence upon the minds of the people, as to prevent their giving too much power to any one popular leader; but when the noble and great families throw aside even the appearance of virtue or public spirit: when, from every part of their conduct it appears, that none of them seek any thing but their own private interest, and that almost every one of them is ready upon all occasions, and in cases of the utmost importance, to sacrifice the public good to his own private advantage: when the people find themselves oppressed with taxes in order to pay extravagant pensions or salaries to the rich and great, or to their relations and favourites: when those intrusted with the government, conspire to make a private job of every public measure: when true merit is disregarded, and the public service in every branch neglected or sacrificed, by the employing of none but such as are the relations or sycophants of the noble or great families in a country: I say, when this happens to be the case in any free country, the nobles and great families lose their influence among the people, and then it becomes easy for a great and popular leader, by an affectation of superior virtue and public spirit, to persuade the people to lodge so much power in his hands, as to enable him to assume a sole and absolute rule.

In such a case, Sir, the people cannot

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properly be said to be cheated out of their liberties: they become, in some measure, willing to put themselves under the government of one they have a good opinion of, rather than continue under the government of the many they have a bad opinion of; and no one can say their choice is absurd or imprudent; for when virtue and public spirit become extinct among the noble and great families of a country, it is impossible to preserve a free government. Their government must deviate into an absolute monarchy, or an absolute oligarchy; and the first is the most eligible of the two, because a sole and absolute monarch cannot possibly have any private interest to pursue; he can have no interest to pursue but that of the public; and if he be a man of any capacity, he will always take as much care as possible, that no one under him shall sacrifice the public to his own private interest: whereas, in an absolute oligarchy, every man concerned in the government has a private interest to pursue, different, and often contrary to that of the public; and if any one among them should be so honest as to prevent the public interest being sacrificed, either to his own or any other private interest, his colleagues in power would be alarmed at the precedent, and, at least, would take care to render his endeavours ineffectual; probably they would combine to get such a wrong-headed member dismissed their society, if not deprived of life. Therefore, as it is better for the people to have one man engaged in interest to take care of them, than to have none at all, I must conclude, that an absolute monarchy is better than an absolute oligarchy, and both may be established under the form or appearance of a free government; for in both there may be a diet or parliament chosen by the people, but the choice of that parliament must be influenced by corruption, and its laws enforced by a standing army; so that by the preserving of such an appearance, the government will only be rendered more oppressive upon, and more prejudicial to the morals of the people.

From hence, Sir, it must appear, that there is no way of preserving a free government, but by preserving virtue and public spirit among the people, especially among those who are eminent for their birth or fortune; and that when there appears to be a general decay of virtue and public spirit, the people are in the right to make choice of a sole and absolute government. This, Sir, will appear to have been the case of the Romans, if we read their history with due attention; and in all the disputes that happened between the patricians and plebeians, we shall generally find the latter in the right. All the encroachments they made upon what the patricians called their privileges, were such as they were forced to by oppression, or such as they were intitled to by being subjects of a free commonwealth. Their first great contest was about that cruel law, which made insolvent debtors the slaves of their creditors, with a power to the latter to use them in what manner they pleased. We may judge of the cruelty of this law from the circumstances of the man who made the first complaint. Whilst he was fighting for his country, his farm was plundered, his house burnt, his cattle drove away by the enemy. Notwithstanding these misfortunes, he was obliged to pay his assessment: this first brought him into debt; and that debt was so increased by usury, that his land was first, his goods next, and at last, his person taken in execution, by, it seems, a creditor, still more cruel than the law. If any man's misfortunes ever deserved compassion, surely this man's did; but from his creditor he was so far from meeting with compassion, that after having almost starved him, he had him severely whipped, so that the marks of the lash remained upon his back. In this condition he made his escape to the market-place, where he raised such a spirit among the plebeians, as first procured a mitigation of that cruel law, and afterwards, the creation of those magistrates, called tribunes of the people, who were to protect the plebeians from being oppressed by the patricians.

This encroachment therefore, Sir, which laid a foundation for all the rest, was plainly occasioned by the oppressions of the patricians, who were generally the monied men among the Romans; and it is surprizing to see, how tenaciously they stuck by the oppressive power, their ancient laws gave them over the persons of their unfortunate debtors. As to that relating to marriages, it was a most invidious distinction: a distinction which ought not to have been introduced even under their kings, and much less ought it to have been continued after the establishment of their commonwealth; therefore the plebeians had a right to insist upon its being abolished: and as to the regulation, by which a plebeian was rendered incapable of being chosen into the consulship, or, indeed,

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into any other of those they called the senatorial magistracies, it was, likewise, such a one as ought never to have been introduced, much less continued in what was intended as a free commonwealth; but this, I believe, was not the intention of those who first established this commonwealth: the intention of Brutus was, I believe, to establish an aristocracy, and this was the reason for excluding the plebeians from any share in the magistracy; but after his surviving colleague had introduced an appeal to the people, and thereby rendered them supreme, even over their senatorial magistrates, it was ridiculous to think of supporting this exclusion, unless they had introduced a regulation for transferring, from time to time, the rich and popular plebeians to the order of patricians; and, indeed, it was unjust to establish it as a rule, that no merit, no public service whatever, should intitle a man, or any of his descendants, to any of the chief dignities of the commonwealth.

These two incroachments therefore, Sir, if they can be called such, the plebeians had a just title to, both from the laws of nature, and from the form of their government, as amended by Valerius Publicola; and the violent opposition made by the patricians in these two cases, was certainly of no service to them with regard to their influence among the people. However, their courage, virtue, and public spirit were so conspicuous in all other cases, that they continued for some ages to have great influence upon the people, and while they preserved that influence, they continued to hold the chief part of the government in their hands; but by degrees, and by the immense riches they got in the wars of Spain, Africa, Greece, and Asia, they became luxurious, ayaritious, oppressive, selfish, or indolent; and as they increased in vice, their influence diminished, and the licentiousness of the people increased. It was not the increase of power that made the people grow licentious; for when they continued Marius for three years in the consulship, they had little or no greater constitutional power than they had enjoyed from the time that plebeians were first rendered capable of being chosen consuls, which was near 300 years before; and it was the avarice and venality of the nobles, or patricians, that first set the example of corruption to the commons, for both Marius and Julius Cæsar succeeded in their solicitations for power, chiefly by means of corruption.

Thus, Sir, it must appear, that from the Roman history we have a clear proof of the maxim I have laid down, I mean that of its being impossible to preserve a free government, without preserving virtue and public spirit among the people, especially among those that are eminent for their birth or fortune; and this maxim will be further confirmed, by considering that part of our own history which the hon. gentleman was pleased to mention. It is well known, Sir, that from the very beginning of the reign of king Charles I, such measures were pursued by the court as could not but give offence to a free people; and it is likewise well known, that many of our noble and great families had joined in those measures: nay, some of them, who had before been violent opposers of such measures, became strenuous advocates for the court, and made use of their rhetoric for justifying the same sort of measures, as soon as they found themselves preferred to an honourable or lucrative employment. This behaviour lost them all manner of respect among the people; and it was this that put it in the power of some ambitious men in the House of Commons to raise such mobs and tumults as put it out of the power of the other House to make use of that check upon the proceedings of this assembly, which they are intitled to by our constitution. If our noble and rich families had in the beginning of that reign, and end of the former, behaved as they ought to have done, they would have preserved that influence among the people which they were intitled to by their birth and fortune, and then it would not have been in the power of the ambitious and designing men in either House to poison the minds of the people, or to raise any mob or tumult for preventing the other House's making use of their negative in every case where it was necessary.

The misfortunes of that reign, Sir, were not therefore originally owing to the people having or getting too much power into their hands, but to most of our noblemen and gentlemen being more fond of court favour than of the love or esteem of their country; and the consequence of this, if continued for any time, will always end, as it did then, in the subversion of our constitution. At that time, indeed, it ended in the subversion of our monarchy as well as the liberties of the people; but I may venture to prophesy, that its next end will be in the subversion of liberty,

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and establishment of an absolute, instead of a limited monarchy; for should the people be once generally convinced, that the only design of parliamentary opposition is to recommend the opposers to titles or pensions, or lucrative places in the government, they will certainly, and, I think, most reasonably join with the crown in laying parliaments entirely aside; because parliaments composed of such selfish members can serve only to increase the public expence, without being of any public advantage: nay, such parliaments must always be detrimental to the people, by rendering it necessary for the court to squander the public money in bribes and pensions, and to wink at the public service being in all cases made a job of, for the private emolument of those employed in carrying it on.

I hope I have now shewn, Sir, that there is no danger to be apprehended from any power that can be lodged in the hands of the people, as long as the noble and rich families among them are indued with any virtue or public spirit; and that when this ceases to be the case; when the noble and rich families become generally selfish, corrupt and mercenary, it becomes impossible to preserve the liberties of the people: the government must deviate into an absolute monarchy, or an absolute oligarchy, the former of which I have shewn to be preferable to the latter. We have therefore nothing to fear from any power that may be lodged in the hands of the people, were they more generally fond of power than they really are. But as I have said, there is another human passion, a passion for riches, which is much more general among mankind than the love of power. The latter affects only the rich and great, but the former is to be found among all ranks of men, and is therefore much more dangerous, especially under our form of government. This passion for riches, like all other passions, grows every day stronger by indulgence; and as it cannot be indulged without an opportunity for indulging it, we ought to take care, that no man possessed with this sordid passion, shall ever find an opportunity to indulge it at the expence or risk of public liberty.

For this end, Sir, there is no method so effectual, as that of lodging in as many hands as possible the exercise of those powers and privileges vested in the people for the preservation of their liberties; because when the exercise of those powers and privileges is lodged in a great many hands, and those hands subject to frequent changes, it becomes impossible for a court or minister to tempt them, by any corrupt means, to betray the trust committed to their charge; whereas, when the exercise of those powers and privileges is lodged in a few hands for life, a minister may lay hold of that universal passion for riches, and much more easily prevail, by corrupt means, in having all those powers and privileges betrayed and given up to him by their guardians. To apply this to the city of London, and in particular to the case now under our consideration: the citizens of London are vested with many powers and privileges for the preservation of their liberties, and which have upon many occasions been of great service in preserving or recovering the liberties of the people in general. The supreme exercise of those powers and privileges was, before the year 1725, lodged in the hands of the Lord Mayor, Aldermen, and Common-Council, as an aggregate body, the members whereof were all upon an equal footing, and without any distinction as to the importance of their Vote upon any occasion. The Lord Mayor did not vote upon any question as Lord Mayor, nor the Aldermen as Aldermen, but all voted as members of the Court of Common-Council, and the Vote of the meanest Common-Council-Man was as good, and of as great importance, in deciding the question, as that of the Lord Mayor or the richest Alderman. As this Court consists of 262 members, whilst it remained under this regulation, it was hardly possible for a minister to make use of corrupt methods for influencing their proceedings, or for preventing their coming to such resolutions as were necessary for preserving their own liberties or those of their country, especially as the trade and business of most of the Common-Council-Men must always, in a great measure, depend upon the love and esteem of their neighbours in the city; consequently, supposing them to be governed by no principle but self-interest, they would not forfeit the love and esteem of their neighbours, unless the minister could give each of them a pension for life, equal at least to the profits they made annually by their business, which it will never be in the power of any minister to do.

This, Sir, a late minister, whose aim was to establish a system of corruption,

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was fully sensible of, and therefore he introduced, and what was more surprizing, got passed, a law for giving a Negative to the Aldermen, so that no question could be agreed to, or become an act or resolution of the city of London, unless approved of by a majority of the Aldermen present. By this, it is true, he could not make the Common Council do whatever he had a mind to, but he foresaw, that by this he might be able to prevent their doing what he had no mind to; for as there are but 26 Aldermen, he knew that not only he, but every succeeding minister, that pursued the same system, might, by posts or pensions, secure 14 of the aldermen in his interest, as they are chosen for life, and are, for the most part, gentlemen who have given over trade, or are such whose business does not depend upon the favour of their fellow-citizens, and consequently have nothing but honour and conscience to prevent their sacrificing the interest of their city and country to the enriching or aggrandizing themselves and families.

To give countenance to those who appeared as advocates for, or friends to, this dangerous innovation, several arguments were then made use of; and as those arguments are now repeated for preventing its being repealed, I shall beg leave to consider them, and, I hope, I shall be able to give a satisfactory answer to each. When I say a satisfactory answer, Sir, I mean such a one as will be satisfactory to those who did not then appear as supporters of this innovation; for as to such, though many of them may perhaps alter their opinion, yet I cannot expect, that many of them will be so impartial as to allow themselves to be convinced, and still fewer will be so ingenious as to own it.—The first argument made use of, was a bold assertion, that the giving a Negative to the Aldermen was no innovation, because it was agreeable to the ancient constitution of the government of the city, and was the ancient practice. For this no proof was, or is now offered, either from the charters, records, or history of the city of London; but it was said, that it must have been so originally, because it was analogous to the constitutional government of the kingdom, which consists of King, Lords, and Commons, every one of which branches has a Negative upon the other two; from whence it was argued, that as the government of the city of London consists of the Lord Mayor, Aldermen, and Common-Council-Men, the Aldermen at least ought to have a Negative. Does not every one see, that by this argument the Lord Mayor ought to have a Negative as well as the Aldermen? Consequently, this argument is good for nothing, or it goes too far, farther than even our late minister durst venture to push it, and farther, I hope, than ever any minister will venture to push it; for that the late minister would, if he durst, have pushed it so far, I make not the least doubt, because it would have answered his purpose much more effectually.

But, Sir, the gentlemen who made use of this argument do not, or will not recollect, that the government of the city of London was established before our national government took that form in which it subsists at present, that is to say, before our parliament was divided into two Houses, each sitting distinct by itself, and each having a Negative upon the other. When this happened, it is not easy to determine, nor shall I enter into the discussion of so dark a piece of history; but it is very certain, that the ancient Saxon parliament, or Wittenagemote, did not consist of two distinct Houses or Assemblies voting separately, and each assembly having a Negative; and it is as certain, that the form of government in the city of London was first established in the time of the Saxons. Therefore, if we judge from analogy, we are to suppose, that the Common-Council of the city of London, consists of members who have all an equal right of voting in that assembly; and from their sitting all in the same room or house, and voting, as has been hitherto the continual custom, without any distinction between those who are Aldermen, and those who are Common-Council-men, we must be confirmed in the supposition, that this was the original and ancient form of government in the city of London, and that it was never in this respect altered by custom or statute, till the law was made which is now proposed to be repealed.

The next argument made use of, Sir, is founded upon the common topic of a numerous assembly's being always factious and seditious. This, Sir, is the argument that has in all ages, and upon all occasions, been made use of by the advocates for arbitrary power; and has in this country been made use of too often with success. But this argument can no way be applied to the Common Council of the city of London: it is not so numerous as to be

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subject to faction or sedition; because the speakers may be plainly heard, and the votes easily collected; by which means an end may be easily put to every dispute that happens among them. But the whole people of the city of London may, it seems, run into a frenzy or madness, and the Common-Council-Men are so much under the influence of their constituents, that their proceedings must necessarily be directed by that frenzy or madness. I shall grant, Sir, that the Common-Council-Men are more under the influence of the Citizens than the Aldermen; but if this law continues, a majority of the Aldermen will, I fear, be for the most part under the influence of our ministers of state; and I am much more afraid of our ministers of state falling into a fit of frenzy or madness, than I am of the people of London's falling into such a fit. Besides, a city fit of madness, if any such thing could happen, is neither so dangerous to the country in general, nor so ungovernable, as a ministerial fit of madness. A wise and steady man of character and merit may easily give a turn or put a stop to any popular frenzy, as a great Roman poet has beautifully told us; but few ministers are ever governed or governable by such men; and therefore I shall always chuse to have the city of London exposed to a popular rather than a ministerial frenzy. By a ministerial frenzy the nation has often suffered, and is now suffering severely; but, I believe, no man can shew that ever the city of London suffered by any mad or frantic spirit in the Common-Council; for even the hon. gentleman himself allows, that their conduct has always been wise and steady.

This, it is true, he attributes to the Aldermen's having a Negative Voice in all the proceedings of the Common-Council: and makes it an argument for proving, that the Aldermen have always been vested with this power; but before it can serve him for this purpose, he must shew, that before the year 1725, the Aldermen made use of this power, and that they made use of it to prevent some mad or imprudent resolution that had been agreed to by a majority of the Common-Council-Men; for unless he can do this, the wisdom and steadiness of the city of London's conduct before the year 1725, is a strong argument in favour of the Common-Council-Men, and against their being continued under those fetters put upon them by the law now proposed to be repealed; and as to the conduct of the Aldermen since they had this Negative given them, whatever the hon. gentleman may think of it, I am sure, it was upon several occasions very much disliked by the greatest part of the citizens, and, I believe, by the greatest part of the kingdom. Their conduct towards a worthy magistrate lately deceased, whom they twice put by the chair, when according to the custom it was his turn to be advanced to it, and their admitting him afterwards, without any reason they durst own, either for their refusal or admission, was a proof, that their conduct was not very steady; and as to the use they made of their Negative, I join in opinion with most of my fellow-citizens, that it was never necessary for them to make use of it, and that upon every occasion their motives for making use of it were such as they ought to have been ashamed of: I mean such as proceeded from their having a greater regard for the good-will of our then prime minister, than for the good-will of their fellow-citizens, or the interest of their city or country.

It is therefore high time, Sir, to put an end to this power given to the Aldermen over the proceedings of the Common-Council, and the last use they made of it is a proof of the dangerous consequence of leaving such a power in their hands; for by means of their Negative they then put a positive upon the Common-Council, by telling them, that they should not give thanks to their Lord Mayor, though justly due to him in the opinion of every man present, unless they would agree to give thanks in such terms as the Aldermen pleased to direct. This is a precedent for carrying this Negative power much farther than was intended by the legislature, whatever might be the intention of the minister who got that law passed; and as nothing is more improvable than a bad precedent, they may, by some new improvements, be able to assume to themselves and their patron, the prime minister for the time being, the absolute management of the city of London, which would contribute not a little towards throwing into his hands the absolute management of the whole kingdom, as must appear evident to every one who considers, what an influence the citizens of London must always have in elections of members of parliament through the whole kingdom, and how dangerous it would be for any citizen to fall out with the court, if it had the absolute management of the city.

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To pretend, Sir, that this Negative in the Aldermen has not raised jealousies and animosities in the city, is to argue against the most notorious fact, as well as against the clearest demonstration. We may as well say, that to tie a man neck and heels can raise in his breast no animosity, as to say, that to subject, by an express law, the Resolutions of the Citizens of London, to the opinion of 14 Aldermen, can raise no animosity or heart-burnings amongst them. Sir, if these 14 Aldermen were all men of the greatest as well as most unblemished character, the Citizens could not take it well to be tied down by law to their opinion; but surely, they must be filled with the highest indignation, when they find themselves obliged to submit to the opinion of 14 men, whose wisdom or integrity, they think they have great reason to suspect. I shall admit, Sir, that the Aldermen have generally a greater stake in the city, and are better judges of its true interest than most of the Common-Council-Men; and I know, that before they had this Negative Voice given them, their opinion had always great weight in the Common-Council; but since that time, the credit of most of them has been so much impaired, or at least was so till very lately, that though they had a power to compel, they had no power to persuade; for which a very natural reason may be given, because those that have a power to compel, will never be at the pains to persuade; and those that are to be persuaded, always hear with prejudice the reasons offered by those that have a power to compel.

In order, therefore, Sir, to restore the credit of the Aldermen in the Common-Council, this compulsive power ought to be abolished, that those worthy gentlemen may be restored to their persuasive power, by which alone they governed, I may say, the Common-Council for many ages, and always kept them from running into any seditious or licentious proceedings. To endeavour to prevent sedition or licentiousness in the Common-Council, by vesting or continuing a Negative in the Aldermen, is something like endeavouring to prevent mobs and riots among the people by a numerous standing army and a severe riot act. By the latter you may, indeed, prevent mobs and riots among the people; but if this method be continued for any long time, you will make your ministers tyrants and your people slaves: and by the former you may, it is true, prevent sedition and licentiousness in the Common-Council; but if continued for any time, you will make the Aldermen corrupt dependants upon the minister for the time being, and the Common-Council, or rather the city of London, insignificant, with regard to that for which it has been always famous, and by which it has often gained great honour: I mean that of being a check upon the conduct of our administration, and ready to give the alarm to the people, when any dark designs were formed against their liberties, or such measures pursued as were destructive to our commerce, manufactures, or navigation. And if the city of London should be, by the corrupt Negative of 14 of its Aldermen, bound up in such chains, as to prevent its petitioning against such designs or such measures, I should be glad to know, what city or community in the kingdom durst, or could with equal weight, represent the dangerous consequence of them, either to king or parliament? Would not the silence of the city of London be an example for all the other communities in the kingdom? And would not that general silence be represented by our ministers, as an approbation of their designs, however dangerous, of their measures, however destructive?

It has been said, Sir, that the Aldermen would not venture to put a Negative upon any popular proposition made in the Common-Council, because they all live in the city, and would run the risk of being *De-Witted* by an enraged populace. Alas! Sir, we know how the populace of this kingdom have been of late bridled by standing armies, riot acts, and ministerial slaves called justices of the peace. If a man has the prime minister for his protector, he has but little to fear from an enraged populace. Besides, there are many of the Aldermen that do not live in the city; so that when they are in their own houses at the court end of the town, and in the middle of the guards, they are in no danger of a city mob; and when they come into the city, they are there themselves the justices of the peace, and would certainly read the Riot Act to any crowd of people that should but seem to attack them; after which the guards would be sent for, and the mob dispersed, perhaps many of them killed, before the Aldermen could be in any danger. This could therefore have but little effect in preventing the Aldermen from putting a Negative upon the most popular propositions; and

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suppose their danger much greater than it is, there is nothing I am more afraid of than that some Negative Alderman should be massacred by a mob in the city. I know how tempting a pension or a bribe is to some men, so tempting that they will run any risk to come at it: I likewise know the violent spirit of my countrymen, so violent, that for the pleasure of being revenged, many of them will rush upon certain death. This may some time or other occasion a Negative Alderman to be *De-Witted* by a sudden tumult; but what would be the consequence? It would furnish a wicked minister with a pretence for introducing an armed force into the city, and, perhaps, for making it forfeit its charter. With me, therefore, this danger is a strong argument for preventing any of my brother Aldermen from being led into such a temptation, and for preventing my fellow-citizens from being worked up to such a rage.

I think, I have now answered all the arguments that were ever brought in favour of this Negative Voice in the Aldermen, except that trifling one drawn from the stile of the acts, orders, or resolutions of the Common-Council. The Aldermen, it is said, must have a Negative, because the words of the acts, orders, or resolutions of the Common-Council are, 'Be it enacted,' or, 'It is resolved, by the right hon. the Lord Mayor, the right worshipful the Aldermen, and the Commons, in Common-Council assembled." This, Sir, is so puerile, it hardly deserves an answer. By the same way of reasoning the Lord Mayor ought to have a Negative in the Common-Council; and the Bishops ought to have a Negative in the other House of Parliament; because in the acts of the Common-Council, the Lord Mayor is as particularly named as the Aldermen; and in our late acts of parliament, it is always said, 'Be it enacted by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal.' A case may happen in the Common Council, wherein the Lord Mayor declares himself against what is agreed to by the majority of the Aldermen, as well as the majority of the Common-Council-Men: would it not be as ridiculous, in such a case, to say, 'Be it enacted by the right hon. the Lord Mayor,' as it would be to say, 'Be it enacted by the right hon. the Lord Mayor, and the right worshipful the Aldermen,' in a case where all the Aldermen declare against the resolution of the majority of the Common-Council? In like manner, a case may happen, nay, a case did lately happen, in the other House, where all the bishops declared against what was agreed to by the majority; and I remember, a noble lord wittily proposed, that the lords spiritual should be left out of the preamble to the Bill, but no one thought he was serious, and accordingly in that act, as in all others, it is said, 'Be it enacted by the king's most excellent majesty, by and with the consent of the Lords spiritual and temporal.' In all cases where the majority is to determine, the determination of the majority makes it the act of the whole assembly, and consequently of every man and every body of men who are members of that assembly; therefore it may be properly said, 'Be it enacted,' even by those who declared themselves against it; because when we speak of a collective body's enacting or resolving upon any thing, we always mean the majority of that collective body; otherwise we could never say, that any thing is ordered or resolved on by a collective body, except when it is agreed to *nemine contradicente*.

I shall conclude, Sir, with returning my thanks to the hon. gentleman for the good opinion he has of the judgment as well as integrity of our city Aldermen. He was pleased to tell us, that he should not believe any proposition to be for the advantage or benefit of the city, if 14 Aldermen declared against it. I should, perhaps, be of his opinion, if there were no place, pension or ministerial bribe in the way; but when a salary or pension of 1,000*l.* a year, or a valuable Bank-note is thrown in the way of a covetous or expensive Alderman, if it does not warp his integrity, it may biass his judgment, or so blind his understanding, as to prevent his seeing the most evident advantage that may accrue to the city from a proposition's being agreed to, which our prime minister, for the time being, has declared himself against. Therefore, if the Bill now before us be rejected, and the Aldermen's Negative continued, I hope, this House will be so good as to allow the city a Place-Bill, and as effectual a Pension-Bill as can be contrived, for incapacitating every Alderman that shall accept of place, pension, or bribe from the crown, and for chusing a new one in his stead. If this were done, Sir, I should be much more easy about the Aldermen's Negative than I am at present; and till this is done, I

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shall be for abolishing their Negative, and restoring the city to its ancient constitution.

Sir *William Yonge:*

Sir; among foreigners we have long had the character of being a turbulent, inconstant, and unsteady people; and if the Bill now before us should be passed into a law, it will not only be a step towards confirming that character, but a step towards making us continue to deserve it. I know that our turbulence and inconstancy is by many attributed to the nature of our climate, which is, I believe, more turbulent and variable than the climate of any country upon the continent; this may, perhaps, be one cause; but, in my opinion, the chief cause proceeds from the nature of our government; for under a popular government, the people will always be turbulent, inconstant, and unsteady, let the climate of their country be what it will; and the more popular the form of government is, the more turbulent the people will be, the more inconstant and unsteady their public measures. When the people have the government in their hands, they will be always flying from one extreme to the other; for as there is no perfect happiness in human affairs, nor any form of government, or public regulation, but what is attended with inconveniences, a great majority of mankind think only of the inconveniences they feel, and to get free of them, they fly to the contrary extreme, though to every considerate thinking man it be evident, that they will there meet many more and more insufferable inconveniences. It is for this reason, that absolute monarchies are more steady in their pursuits, and more fixed in their public regulations, than popular governments; and of all sorts of governments, those called aristocracies are the most steady and constant, especially if the number of their nobles be but small, and but a very few of them entrusted with the supreme direction of public affairs; for if their nobility be very numerous, and all have a share in the supreme government of their country, they fall under the same inconveniences to which a popular government lies exposed.

Of the first sort of aristocracies, the government of Venice furnishes us with an example, where, indeed, their nobility are pretty numerous, considering the extent of their territory; but then the supreme government may properly be said to be lodged in their Council of Ten, for all their other councils generally follow their direction; and no state in Europe has been more steady and constant in all their public measures and regulations than the Venetians have been, ever since their present form of government was established, which is above 400 years ago. The form of government in Holland likewise is now become a sort of aristocracy; for in most of their towns, the people have no share in the government, nor have they any popular elections, the whole government of each city being now centered in a certain number of families, from amongst whom the magistrates of the city are chosen, as also their deputies or representatives in the states of the province, and from them the members of the States-General are chosen, who have the supreme direction of the affairs of the republic. This is therefore an aristocracy, where none but the chief families have any share in the government, and where but few, even of them, are entrusted with the supreme direction of public affairs; and we have, by late experience, found the government of Holland to be very steady in their resolutions; for let their resolutions be right or wrong, which I have no occasion at present to enquire into, their pursuing them with steadiness is some sort of virtue.

On the other hand, Sir, we have in Poland an example of that sort of aristocracies, where there is too great a number of nobility, and where all of them have a share in the supreme government of their country. In that kingdom, there has never been any steadiness in their councils, order in their assemblies, or tranquillity among the people. They are continually embroiled with factions; and have, by turns, been made the dupes of all the intriguing courts in Europe. Yet, nevertheless, they are still fond of what they call their ancient constitution, and excessively proud of that privilege they call their Veto; for in their diet, or parliament, all their resolutions must be unanimous, every member having a Negative Voice, or a power by his Veto to prevent the resolution becoming a resolution of the diet, and this, notwithstanding the number of their members being, I may say, almost infinite; which is certainly a very ridiculous constitution, because it prevents its being possible for them to come regularly to any resolution, and, indeed, they very seldom or never do; for the only way they have of coming to any resolution is, by the

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majority drawing their sabres, and driving those that are against it out of the assembly.

In short, Sir, in all countries where their form of government is too popular, they are never at peace within themselves, nor steady either in their public measures or regulations; and this is, as I have said, the chief cause of our having always been deemed so turbulent, inconstant, and unsteady. The truth is, there has been but too much ground for this imputation, and if this Bill should pass, there will be more ground for it than ever. The very repealing of a law of such consequence within twenty years after it was first enacted, will shew an inconstancy in our proceedings; and as the law was contrived and enacted for amending what was thought too popular in the form of government of our capital city, the repeal of it will expose that city at least, again, to all the inconveniencies of a too popular form of government. What the consequences of this may be, I shall not pretend to foretell: but, I think, we have reason to apprehend, that the Common-Council of the city of London will become more seditious, and more licentious than ever they were heretofore. When a man has been for any time confined, it is very natural for him to make too much, and too free an use of his liberty after he has regained it; and assemblies of men are, in their collective capacity, subject to the very same passions and prejudices that men are in their disjunctive or private capacity. Now, as the Common-Council-Men of the city of London have been for twenty years confined, and in some of their Resolutions restrained by the Negative Voice of the Aldermen, it is very natural to suppose, that if you set them again at liberty, they will make so free an use of it, as may be very much to the prejudice of the city, as well as the nation in general; and this is the more to be apprehended, because it is natural to suppose, that they have conceived an aversion to the Court of Aldermen, by which they have been so long kept in confinement; and, consequently, will not be so ready to give ear to their salutary advice, as they were before the making of the Act, which is now proposed to be repealed.

I shall not now, Sir, enter into the reasons that were made use of, and successfully made use of, in favour of that Act when it was passed; because, I think, there is not the least occasion for so doing: the reasons prevailed at that time; and no act ought to be repealed without shewing very good reasons for the repeal, none of which I have heard as yet advanced; for as to the reasons made use of in the petition, they were fully answered by my hon. friend who spoke first in the debate; and as to the majority of the citizens of London being against the Act, that is to say, against the Aldermen's having a Negative in the Common-Council, this is rather an argument in favour of, than against, the Act, unless it could be shewn, that the Aldermen have made a bad use of that power, by obstructing any thing that was for the advantage of the city, or for the benefit of their country; for if the citizens have never, in twenty years experience, suffered the least prejudice by the power which is by that Act lodged in the Aldermen, it is to me a proof, that their dissatisfaction with that Act, and their present petition against it, proceed from a spirit of licentiousness, which ought to be kept under some curb; and the more violent, the more general that spirit appears to be, the more necessary it is for us to keep it under the restraint of the Aldermen's Negative.

Now, Sir, I should be glad to hear from some of the advocates for this Bill, when, or upon what occasion, the Aldermen, by means of their Negative, obstructed any thing that would have been for the advantage of the city, or the benefit of the nation. I am sure the instance that has been mentioned can be no proof of this, because it would have been ridiculously mean in the Aldermen to have agreed to that motion without an amendment; and whether the motion was agreed to or not, was of no manner of signification, either to the city or the nation. For explaining and proving what I say, Sir, I must give a short history of the proceedings of the city of London about that time. The late Convention between us and Spain having been laid before this House for our approbation, an Alderman of the city of London, and a member of this House, was one of those that voted in its favour. The Michaelmas following it was this gentleman's turn to be advanced to the chair, that is to say, chosen Lord Mayor: I say his turn; for though the citizens are free to chuse any two they please for that office, who have served the office of sheriff, and the court of Aldermen are as free to chuse either of these two, yet by a custom that had continued without interruption for many years, the citizens had always

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chosen the two senior Aldermen below the chair, that is to say, the two senior Aldermen who had never served the office of Lord Mayor, and these two they presented to the court of Aldermen, who always chose the senior of the two. As this custom, I say, had continued for many years, therefore it came to be a common way of speaking, that it was the turn of the senior Alderman below the chair to be chosen Lord Mayor. But upon this occasion, a spirit was industriously raised in the city against this gentleman's election, merely on account of his having voted in favour of the Convention; and though he was no member for the city, but for a country borough, yet this spirit run so high, that the citizens departed from their established custom, and passing by this gentleman, returned his two next juniors to the court of Aldermen, who chose the senior of the two.

This, it seems, Sir, they did not think a sufficient testimony of their resentment; for the next following year, they put a new indignity upon him, by passing by him, and chusing the two next juniors to him, the eldest of whom had been very instrumental in raising this spirit against him; and as the majority of the Aldermen rightly thought, that the citizens of London had no business to take notice of this gentleman's behaviour in parliament, especially as he was not one of their own members, and that therefore this spirit was unjustly raised, they likewise made use of this opportunity to depart from the old custom, and exert their power, by chusing the junior of the two Aldermen chosen and returned to them by the citizens, because, I suppose, the senior of the two was, as I have said, one of the persons chiefly concerned in getting the indignity put by the citizens upon the gentleman who had voted for the Convention. I need not mention particularly every step of the future proceedings of the citizens and Aldermen in relation to this affair: I shall only take notice, that by means of this dispute, a gentleman came at last to be chosen Lord Mayor, who had before served that office; and he having acquainted the court, that he was ready to take that office upon him a second time, in order to put an end to the heats and divisions in the city, a motion was made, "To give him the thanks of the court for accepting a second time the office of the Mayoralty; and thereby in some measure restoring the peace and tranquillity of the city, which had been greatly disturbed by a late extraordinary and unusual proceeding."

As the latter part of this motion, Sir, was evidently designed by way of reflection upon the Aldermen, a motion was made for leaving it out, and the Aldermen very honestly, and most reasonably told the Common-Council-Men, that unless this Amendment was agreed to, they would put their Negative upon the whole motion, which was the only way they could take to prevent their being made accomplices in throwing an unjust reflection upon themselves. I say, Sir, an unjust reflection; for there was nothing more extraordinary or unusual in the Aldermen's chusing the junior, and passing by the senior of the two Aldermen returned to them, than there was in the citizens passing by the senior of the Aldermen below the chair, and returning his two juniors to the court of Aldermen. Both were a departure from that custom which, for the sake of preserving the peace of the city, had been long observed, and both the Aldermen and citizens had an equal right to exert the power lodged in them, but both had not an equal reason; for, in my opinion, the citizens had no reason for departing from the ancient custom, and thereby putting an indignity upon the senior Alderman below the chair. It was, I think, a very high presumption in them to take notice of, and much more to resent in such a manner, a gentleman's way of voting in this assembly, where every man ought to be free to give his vote whatever way his conscience may direct; and whoever was instrumental in prevailing with them to be guilty of such a piece of presumption, could be no friend to our constitution, nor to the peace and quiet of the city of London; therefore, if the gentleman set aside by the court of Aldermen, was one of the chief instruments in this affair, as I have said, and as I have always heard he was, the court of Aldermen had a most substantial reason, and deserved the thanks of the citizens, for making him sensible of his error, by setting him aside, when by the partial return of the citizens, and the usual custom of the court of Aldermen, it came to his turn to be advanced to the honour of the Mayoralty.

The conduct of the Aldermen upon this occasion is therefore so far from being an argument for the repeal of that law by which their Negative was established, that

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it is an argument for the continuance of it; and as I was fully convinced of the utility and even necessity of such regulation when the law was enacted, and have heard no one reason offered for its repeal, but what has been sufficiently answered by the hon. gentleman who spoke first against committing the Bill now before us, I shall, without the least hesitation, give my negative to the motion.

Mr. Alderman *Heathcote:*

Sir; whatever character we may have, or whatever character we may deserve among foreigners, I hope we shall always take care to preserve the character of being a brave and a free people. Foreign slaves may think as highly as they please, Sir, of the steadiness of their public counsels; but among such, I hope, we shall always be deemed a turbulent and unsteady people. This character must always necessarily attend a free government; because in all such governments there have been, there will always be, some minister, or some set of ministers, forming schemes for overturning the liberties of the people, and establishing themselves in arbitrary power. Such men are generally at first the idols of the people, and before their latent designs come to be discovered, they generally prevail with the people to enter into such measures, or to make such regulations, as may contribute to the success of their designs. But if the people are wise enough, and sufficiently jealous of their liberties, as the people of this country, thank God! have always hitherto been, they never fail to discover these designs before they are ripe for execution. As soon as they have made this discovery, they begin to see the evil tendency of the measures or regulations they have been led into, and of course they must alter the former and repeal the latter. This therefore, which foreign slaves, as most of the people around us are, impute to a turbulency or unsteadiness in our temper, is nothing but the natural effect of the freedom of our government; and whilst the cause lasts, which, I hope, it will always do, the effect must continue the same.

The law, which is now proposed to be repealed, is one of those regulations we were induced to agree to by such a minister as I have described: he was once, Sir, the patron of liberty, and consequently the idol of the people; but his future conduct shewed, that his friendship to liberty was pretended, with the only view, that as soon as it suited his purpose he might secretly stab her to the heart. Corruption, Sir, was the poisoned dagger he intended to make use of, and with this weapon he gave her a stab, as was clearly pointed out to you by the Report of your Secret Committee: but, I hope, the stab will not prove mortal; I hope, we shall be able to extract the poison, and heal up the wound, before it corrupts the whole mass of our constitution.

This regulation, Sir, which we shall now, I hope, abolish, was the vehicle contrived by him to convey his poison to the city of London. He knew of what consequence it might be to him, to get the government of that city into his hands, or at least to prevent her opposing any of his future schemes; and for this purpose he contrived to throw as much power into the hands of the Aldermen as possible, because, by working on their avarice or their vanity, he thought he might prevail with a majority of them, to make use of their power upon all occasions for his service. This, Sir, was his secret design in getting such a regulation agreed to by parliament, this was the use he made of it, and this is the use any future minister may make of it; upon the question then, whether such a regulation ought to be abolished, I say, upon such a question, shall we enter into the enquiry, whether the Aldermen have made a bad use of the power, by this means, and with this design, thrown into their hands? Is it not enough for us, that such a regulation may be made a bad use of; that it certainly will be made a bad use of by the first wicked minister this nation happens to be cursed with, which, God knows! is a plague we cannot long expect to be without; and that by making a bad use of it, he may be enabled to overturn our liberties? Is not all this sufficient to prevail with a British House of Commons to abolish such a regulation, without enquiring, whether or no it has already been made a bad use of? Certainly it is, Sir: certainly it must be thought so; if we have the same regard for our liberties that our ancestors were possessed with, and by which they transmitted to us the glorious title of being free-born Englishmen.

But, Sir, if such an enquiry were necessary, it would be no difficult matter to shew, that the Aldermen have made a bad use of the power lodged in their hands by this regulation, and that every time they did make use of this power, it was at the

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command of the minister, and with a view to answer the purpose for which he got this power lodged in their hands. I think it quite unnecessary to give you a full and particular history of the use they made of this power, or to examine what were their motives at each particular time; but one of those times is so remarkable, that I cannot pass it over in silence. The Convention with Spain must be remembered by every gentleman that hears me, and, I hope, is now thought to be, by a majority of this assembly, what it really was, a most infamous and pernicious treaty. By that treaty our then minister not only sacrificed the honour, but the trade and navigation of his country. Such a treaty the city of London had surely a concern to oppose, and to prevent its being ratified by his majesty if possible. For this purpose, a great majority of the Common-Council resolved to petition his majesty against it; but as this was properly a petition against the minister who advised it, he sent his orders to the Aldermen, and by their Negative they rendered the resolution of the Common-Council ineffectual. Was not this, Sir, making a bad use of their power? Was it not making such an use of it as might have been of the most pernicious consequence to our trade and navigation, and consequently to the interest of the city of London in particular? Besides this, Sir, it was a precedent of a most dangerous tendency. Every subject, and every corporate body in the kingdom, have a right to petition their sovereign: the exercise of this right may be of great service to the king, when he happens to be misled by his ministers; and, when exercised by the city of London, must always have a very great weight, and may very probably make the king sensible of the bad advice that has been given him; but can this right ever be exercised by the citizens of London in their corporate capacity, if they are to be restrained by 14 Aldermen under a corrupt dependance upon the very minister, who gave the bad advice to his sovereign?

This, I think, Sir, is a glaring instance of the Aldermen's having made a bad use of their Negative; and had the minister's slaves among them succeeded in all they attempted at that time, they would have furnished us with another instance still more glaring; for they attempted to put a Negative upon the city's petitioning the parliament against that Convention; but some of the Aldermen, I mean those who were suspected of being bought by the minister, were not then sufficiently broke, or perhaps not sufficiently paid, and therefore they refused to concur with their ministerial brethren in this Negative. However, the attempt shews what may be done by this Negative, when a minister has got 14 of the Aldermen sufficiently under discipline. Let the measures of such a minister be never so contrary to the public good, let his designs against our liberties, or even against the city of London itself, be never so apparent, neither king nor parliament could expect any petition or address against his measures or designs; and the silence of the city of London would be a precedent for all the cities and corporations of the kingdom.

Thus, Sir, the behaviour of the Aldermen upon this occasion, is not only a proof of their having made a bad use of the power lodged in their hands, but also it must convince us, that this power may be of the most dangerous consequence in time to come; and their behaviour upon another occasion, that has been mentioned, must shew, that as long as they are vested with this Negative, they will court the favour of the minister, and contemn the resentment of their fellow-citizens. What I mean, Sir, is their breaking through the established custom of the city, and without any reason setting aside a gentleman who, according to that custom, ought to have been preferred to the honour of being Lord Mayor. The behaviour of the citizens upon a former occasion was no precedent for the behaviour of the Aldermen upon this. The citizens had set a gentleman aside for a very good reason, for a reason that was known and avowed, and for a reason that must be approved of by every man who does not approve of our late Convention with Spain. Was this a reason for the Aldermen's setting aside a gentleman without any reason? I say, Sir, without any reason known and avowed, for that they had a reason I shall not deny, and that reason was suspected, though it was such a one as they durst not avow. The reason I mean is, because they had private orders from their patron, the minister, to set that gentleman aside.

Having taken notice, Sir, of the reason the Aldermen were supposed to have for setting this gentleman aside, I must give you the reason, which the citizens had for setting another gentleman aside upon a former occasion; and this I must do, be-

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cause it has been said, that it was a high presumption in the citizens of London to take notice of a gentleman's way of voting in this assembly. Sir, it was so far from being a high presumption, that it was their right and their duty to do so. Every man in the kingdom that has a vote at any election, has a right to take notice of every gentleman's behaviour in parliament: he has not only a right, but he is in duty bound to take notice of it, that if ever any such gentleman should, upon any occasion, apply to him for his vote, he may grant or refuse his request according to his behaviour in parliament. To say, that this is an encroachment upon the freedom of parliament, is, in my opinion, ridiculous: we may as well say, that the esteem or reproach a gentleman gains by his behaviour here, is an encroachment upon his freedom of voting; or we may as well say, that the danger of a gentleman's not being re-chosen, in case he should, by his behaviour, disoblige his constituents, is a restraint upon the freedom of his voting, and that therefore every member ought to be chosen for life; which is a doctrine that ministers may perhaps approve of, but, I am sure, it will never be inculcated by any man who has a regard for liberty.

It was therefore no presumption, Sir, but a duty in the citizens of London, to take notice of the behaviour of a gentleman in parliament, who applied to them for the honour of being raised to the chief magistracy of their city. His being their representative, or the representative of another place, made no difference: every gentleman, after he is chosen, becomes the representative of the people of England; and if in that post, either through weakness or corruption, he betrays or sacrifices the interests of the people, surely, no part of the people ought again to chuse him into that or any other office of honour or trust, which they have at their disposal. This was the case of the gentleman set aside by the citizens of London: in parliament he had voted for approving the Convention with Spain, which, by a great majority of them, was thought to be derogatory to the honour, and destructive of the trade and navigation of their country. If he did this through weakness, he was unfit for being the chief magistrate of such a great city; if through corruption, surely they had good reason not to put such a great trust into such unclean hands.

Besides this, Sir, the citizens of London had another reason for setting him aside. I hope it will be allowed that the citizens of London have a concern in the choice that is made of members of parliament for every place in the kingdom, as well as for their own city. It is their interest, because it is the public interest, to have such men chosen for every county, city, and borough in the kingdom, as have ability enough to distinguish, and honour enough to adhere to the true interest of their country. This gentleman had, by his behaviour in the preceding session, convinced them, that he was defective either in his ability or honesty; therefore it was their interest not to have him chosen again, either for the place he then represented, or for any other. Was their chusing him their Lord Mayor a way to prevent this? Would it not have convinced the little borough he then represented, that the citizens of London approved of his conduct in parliament? And would not this have gone a great way towards inducing them to chuse him a second time? Therefore the citizens of London were obliged to refuse chusing him their Lord Mayor, in order to prevent his being chosen a member of the then ensuing new parliament.

Thus, it appears, Sir, that the citizens of London had a very sufficient reason for breaking through the established custom, in not chusing this gentleman as one of the two they were to return to the court of Aldermen; and the reason they had they publicly avowed, long before the election; so that the gentleman had an opportunity to justify himself, if he had not been guilty of what was laid to his charge; and he did endeavour to justify himself so far as related to corruption, but he never denied his voting for the Convention, and consequently could not excuse or free himself from the imputation of weakness, which was the chief foundation of the resolution to set him aside.

But, Sir, with regard to the gentleman set aside by the Aldermen, there was not the least objection to his conduct, unless it was that of his appearing strenuously against the Convention, and being nearly related to a worthy city magistrate, who has for several years, with great strength of reason, opposed and exposed the late minister's measures in this House. His appearing against the Convention, and consequently against the city's conferring any honour upon a gentleman, who had done what he could to get it established, was a duty he owed to his country, and particularly to the city of London, if he

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thought it an infamous and pernicious treaty, which was the opinion he declared he had of it, as soon as it made its appearance in public. In this respect, therefore, he could not be so much as suspected of any thing that was criminal in his behaviour. If he judged amiss of that treaty, he might be accused of weakness; but surely this accusation could not be brought against him by any of those who, both in their private conversation, and by their public conduct, had declared themselves of the same opinion, which was the case of several of those Aldermen who voted for setting him aside: they had often, and before many witnesses, declared their having a very bad opinion of that treaty, and they had joined with their brethren in voting and presenting a petition to parliament against it. Therefore the conduct of these men, at least in setting that gentleman aside, and thereby breaking through a custom established for preserving the peace of the city, must be allowed to have been without any reason they could avow, and consequently must be allowed to have been most extraordinary and unusual. If it was so, their joining with the other Aldermen in the amendment that has been mentioned, was a persisting in their error, and adding a new crime to their former, in both which they could, in my opinion, have no other motive but that of currying favour with the minister.

I have said, Sir, that while the Aldermen are vested with this Negative, they will court the favour of the minister, and contemn the resentment of their fellow-citizens; and their behaviour upon both these occasions is a proof of what I say. There was not in the city of London a more popular man than the gentleman they set aside: this they knew, and they knew that their setting him aside would provoke the resentment of their fellow-citizens against them; but as long as they thought themselves sure of the protection of the minister, and that his protection would be sufficient, they despised the resentment of their fellow-citizens so much, that they set the same gentleman aside a second and third time, though returned to them each time by the unanimous voice of the citizens; and they would probably have shewn the same contempt of the resentment of their fellow-citizens a fourth time, had they had the same opinion of the protection they depended on, or the favour they courted; but before the next opportunity, which was on Michaelmas-Day 1741, a new parliament had been returned, and from the returns it appeared, that a majority of this House would probably declare against their patron, the minister, from whence they judged, that his protection was no longer to be depended on, nor his favour worth seeking, especially at any risk; therefore they then thought it not safe to incur again the resentment of their fellow-citizens, and perhaps the resentment of the next minister; and consequently they then chose for Lord Mayor the gentleman they had before so often rejected, he being then again returned to them by the unanimous voice of the citizens.

Thus, Sir, the behaviour of the Aldermen, upon this occasion, is a proof of what I have said; and their threatening to put a Negative upon the Common-Council's returning thanks to another very popular magistrate, unless the Common-Council would agree to have the question modelled according to their liking, is another proof of the same doctrine; consequently I must conclude, that as long as the Aldermen of the city of London are vested with this Negative Power, a majority of them will probably contemn the resentment of their fellow-citizens, and court the favour of the minister for the time being. But it may be asked, why will they not do the same, should they be divested of this Negative Power? To this the answer is very short and easy: it will not then be worth the minister's while to come up to their price. I have not so bad an opinion of mankind as to say, that every man has his price; but this, I am afraid, may be justly said, that the majority of mankind have a price, if it be worth the purchaser's while to come up to it. With regard to those that have a price, it is certain that every man's price depends in a great measure upon the fortune he is possessed of, and the reputation he has acquired in the world. Now the Aldermen of the city of London are generally men of an easy fortune, and always men that by their former conduct have acquired some reputation in the world; we cannot therefore suppose, that any one of them, or at least not many of them, are men of a small price; and as long as they can do a minister but little service, he will not give any of them a large price. They will therefore continue faithful to their country and their city, not because they are proof against corruption, but because

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it is not worth the minister's while, or perhaps not in his power, to corrupt. By investing them with this Negative, you have made it worth a minister's while to come up to their price: divest them of this Negative, it will be no longer worth his while: and they will neither court his favour, nor contemn the resentment of their fellow-citizens, if they find they are to get nothing by it but reproach.

This doctrine, Sir, that there must be a proportion between the service a man can do, and the price he may probably insist on, is so well understood by those who have studied the art of corruption, that all our ministers who have aimed at arbitrary power, have endeavoured, as much as possible, to throw the government of every subordinate society and community in the kingdom, into a few hands. They know, that the majority of a few men of fortune may be purchased at a less price than the majority of a great number of men, who live by their business; and the reason is very plain, because the former, by accepting a bribe, lose nothing but their reputation, whereas the latter lose their reputation, and with it their subsistence; for a tradesman's business generally depends upon his reputation, and therefore, in a Smithfield way of reckoning, he will not accept of a bribe, unless it be such as may enable him for the future to live without business. Besides this, the value a man puts upon his reputation is very far from being always in proportion to his fortune. A man of 10*l.* a year, might reject with disdain a bribe of 10*l.* and yet the same man, were he possessed of 1,000*l.* a year, might sell his reputation for 1,000*l.* There are many other arguments for shewing, that the majority of a few men of fortune may be more easily purchased than the majority of a great number of men of small fortunes, and these arguments have been confirmed by the experience of all ages and countries.

For this reason, I say, Sir, all our ministers, whose ambition led them, or whose previous crimes forced them to aim at arbitrary power, have endeavoured to throw all our subordinate societies and communities into as few hands as possible; and for the same purpose they have endeavoured to get all magistracies and officers depending upon the choice of the people, established for life, and to throw as much power as they could into the hands of those popular magistrates, who by any new law or ancient custom are chosen for life. Such endeavours, Sir, are all equally designed to make corruption the more successful. Those who are versed in that filthy art know, that a magistrate chosen for life is better worth corrupting than one who is chosen but for a year or a short term of years, and that the more they may give, the more likely they are to succeed in corruption. They likewise know, that a man who has once prostituted himself, and thereby forfeited his reputation, is like a prostitute of the other sex: he becomes cheaper every day he lives, and will at last prostitute himself, if it were for nothing else but the pleasure, or rather habit, of prostitution.

These are the arts pursued, Sir, these are the maxims laid down by all those who are aiming at arbitrary power; and in order to render their maxims palatable to the credulous and unthinking part of mankind, their advocates are instructed to rail at popular power, and to load all numerous popular assemblies with faction, sedition, turbulence, unsteadiness, and I do not know how many other bugbears. If we were to believe these ministerial tools, who are generally very well paid, and who, like true lawyers, argue for their fee without the least regard to any thing else: I say, if we were to believe these ministerial tools, we must think, that the people of every country ought to be treated like madmen: that they ought to be kept in chains, to prevent their doing themselves a mischief. But however fond some gentlemen may be of preserving or increasing the power of the crown, while they themselves are in the sunshine of it, I hope, this House will take care to leave as much power in the hands of the people as may be sufficient for preserving their liberties; and when we find, that the power of the people has, by the arts and insinuations of ministers, been so much diminished as not to be a proper balance for the power of the crown, we ought, and, I hope, we always shall take care to increase the one, and diminish the weight of the other.

When I consider our ancient constitution, and reflect upon the great power formerly lodged in the hands of the people, I am really surprized, Sir, to hear any gentleman talk of the danger of throwing too much power into their hands. The power of the people! alas, Sir! they have scarcely any power left. The crown has already ingrossed the greatest part of what the people were possessed of by the

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ancient constitution of our government, and will, if we do not take special care, very soon engross the whole; for when the crown gets the direction of that power, which by the remaining forms of our constitution is left in the hands of the people, the crown gets the substance, and leaves the people only the shadow. What signifies it to the people to have the choice of any magistrate or officer, if that magistrate or officer be, as soon as chosen, brought by corruption under the direction of the crown? What would it signify to the people to have the choice of their representatives in this House, if a majority of those representatives should, as soon as chosen, be brought by corruption under the direction of the crown? In such a case, would the people have any thing more than the shadow of power? And I will say, that it would be much better for them to be without that shadow; because the expence the crown is put to in corrupting those magistrates and representatives, must be all furnished by the people; and at the same time the public service must be sacrificed, by being put into the hands of those who have nothing to recommend them but their venality.

We must therefore, Sir, never talk of the power of the people, unless it be such a one as can never be brought under the direction of the crown, either by force, fraud, or corruption; and if this were the case with respect to every power now lodged in the hands of the people, they would not have near so much as they had in the happy times of some of our forefathers. In former times our counties had the power of chusing almost all their magistrates and officers: they chose their generals in time of war; they chose their sheriffs, and their conservators of the peace, as well as their coroners and their members of parliament. Now they have nothing left but the choice of their coroners and members: as to their choice of coroners, it is of very little signification: because care has been taken to leave very little power in the hands of that officer: and as to their choice of members, it would be of no signification, if the crown should once come to make itself master of the elections for all our little boroughs, which is already in a great measure the case. The people of our counties have therefore very little power now left in their hands; and as to our cities and boroughs, some of them, it is true, particularly London, retain still something of our ancient Saxon constitution; but in many of them the people have very little to do with the government even of their own city or borough, and consequently have no power at all in their hands; for in some the old magistrates chuse the new, and in others the election has been confined to such a small number, that it may be justly said, the people have no share in it.

Thus it must appear, Sir, that the people have not now near so much power as they had formerly, and if we are now more peaceable, I am sure, we are much less happy; for I shall never think, that happiness consists in indolent tranquillity and slavish submission under chains. If this be happiness, I shall grant, that it is more securely established under an absolute, than under a free government; but as I think, that political happiness consists in being free from oppression, I shall never be for putting it into the power of any prince, or any administration, to oppress the people. Peace, I shall admit, Sir, is a very good thing, but do not let us give up our liberties for fear of disturbing our peace. We have preserved both for many generations, and though I cannot say without interruption, yet I will say, that those interruptions never proceeded from the factiousness of the people, but from their power to oppose those who were ambitiously aiming at the destruction of liberty. If they part with that power, they may indeed have peace, but they will have slavery and oppression along with it. This, Sir, is a certain consequence; and therefore it is our business in this House, to attend in the most serious manner to the ebbings and flowings of the people's power, and to restore it, as often as we find it has been too much diminished by any rash or ill-judged regulation; which, in my opinion, is the case with regard to the law now proposed to be repealed. It was not contrived for amending what was thought too popular in the form of government of our capital city: it was contrived for preventing that city being ever able to vindicate either its own or its country's liberties. This is the only purpose it has served, this is the only purpose it can serve; and therefore I shall be for having it repealed.

Then the question being put, that the said Bill be committed; it passed in the negative by 117 to 90.

The King's Speech on the necessity of supporting the Queen of Hungary, &c.]

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Feb. 14. The King made the following Speech to both Houses:

"My Lords and Gentlemen;

"It is with great pleasure that I take this opportunity to assure you of my entire satisfaction in the dispatch and unanimity of your proceedings in this session of parliament, and in the zeal you have shewn for the common cause, and for the honour and true interest of Great Britain.

"Gentlemen of the House of Commons;

"I return you my thanks for the readiness and cheerfulness with which you have already provided so considerable a part of the Supplies; and I make no doubt but the same zeal and good disposition will induce you to enable me to make good the alliances I am already engaged in, and to concert such other measures, in this important conjuncture, as shall be judged necessary for the support of the queen of Hungary, and for carrying on the present war with vigour, in order to procure a safe and honourable peace.

"My Lords and Gentlemen;

"I have, in conjunction with the queen of Hungary and the States General, concluded a treaty with the king of Poland, which I will order to be laid before you. Let me earnestly recommend to you the continuance of the same steadiness and harmony in your deliberations, which cannot fail to give great encouragement to my allies, and to add great weight to our efforts."

*Debate in the Commons on the Subsidy to the Queen of Hungary.**] Feb. 18. The Committee of Supply came to the following Resolutions: 1. "That 500,000*l.* be granted, to make good his majesty's engagements with the queen of Hungary, and to enable her to augment and increase her army, for the support of the House of Austria, and for carrying on the present war with vigour. 2. That 200,000*l.* be granted to make good his majesty's engagements with the king of Sardinia, pursuant to treaty. 3. That 24,299*l.* 1*s.* 4*d.* be granted to make good his majesty's engagements with the elector of Cologne, pursuant to treaty. 4. That 8,620*l.* be granted to make good his majesty's engagements with the elector of Mentz, pursuant to treaty. 5. That 38,839*l.* 18*s.* 5½*d.* be granted for defraying extraordinary expences and services of his majesty's land forces in Great Britain, Minorca, Gibraltar, and the plantations, incurred anno 1744, not provided for by parliament. 6. That 100,000*l.* be granted upon account, towards defraying the extraordinary charge of tonnage, waggon-money, and other expences incurred, or to be incurred, for the service of 1745." Which Resolutions were agreed to by the House. But on the first Resolution, upon the question in the committee, Whether this country ought to grant a Subsidy of 500,000*l.* to the queen of Hungary (being 200,000*l.* more than had been granted her before) the following debate arose:*

* From the London Magazine.

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Feb. 18. The House being in the Committee of Supply and his majesty's Speech of the 14th instant (the design of which was to lay a foundation for demands not intimated or resolved upon at the opening of the session,) read by the clerk,

Mr. *Pelham* stood up to move that 500,000*l.* should be given to the queen of Hungary to enable her to augment her forces, &c. He observed, that whilst we pursued measures of vigour and expence, there was no other way of forming a strength proportionate to that of our enemies, than by enabling our allies to exert that strength which they had within themselves, but which it was not in their power to put in motion or maintain without our assistance: that with this view the parliament had since the beginning of these troubles in Europe granted an annual subsidy to the queen of Hungary, which had been productive of many good effects, and applied with œconomy and punctuality to the uses for which it was given: but as an addition of 200,000*l.* was proposed, it was incumbent on him to explain that the occasion of it proceeded from the encrease of danger wherewith the Austrian succession, and the balance of power were threatened by the violent turn which the king of Prussia had taken, and still adhered to; that, besides, his majesty, out of a paternal regard to the jealousies and heart-burnings which the continuance of his electoral troops on the British establishment had raised in the nation, did not think proper this year to make any demand on this head; that with one moiety of the money they cost us (about 200,000*l.*) the queen would hire

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Mr. *Pelham:*

Sir; the support of the queen of Hungary, in the present war, is a measure I have never heard contested within doors, and it has been recommended and urged with a great deal of zeal by the people without: the measure, in general, has never been opposed by any man, or party of men, in this kingdom; but a very great, and even a warmer opposition than I thought decent, has been made to one of

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8,000 fresh troops, and most probably a larger number which was now under consideration, and with the other moiety we were to take into our pay 8,000 mercenaries as a further addition to the army in Flanders: that it seemed the general wish that we should strain every nerve, and collect our whole strength to act offensively the next campaign; that the Dutch from all the accounts he had received, were disposed to co-operate with us as thoroughly as their constitution and circumstances would permit them; but that they would expect at the same time that England would not abate of her efforts; and he hoped when the proportions which both states had agreed to furnish towards the army in Flanders were completed, it would be at least a match for any the French could bring into the field, if they still persevered in their German schemes, but if they should give them up, in order to throw the whole force into the Netherlands, he did not doubt that our allies in the empire would march troops thither to enable us to look the enemy in the face.

The motion met with no direct opposition from any but alderman Heathcote and Vyner; the first, because it was generally understood that the Hanoverians were to be paid with our money through the queen of Hungary's hands; the second because we took too large, and suffered our allies to take too small a share of the burthen of the present war.

But the conduct of lord Granville's friends in this debate was very artful and malicious, and occasioned its running out into some length. Their aim was to sow division between the old corps, and their new allies, by persuading the former that the giving into this expedient, was a shameful disavowal of their former votes in favour of the Hanoverians, and the latter that they would not avoid the reproach of inconsistency by accepting it, since those troops would be only nominally out of our pay, and at the same time they hoped to make their court in the closet (to the prince as well as king) by preferring the measure which had been followed for two sessions of voting them directly on the British establishment.

Their game was not unskilfully opened by lord Doneraile. He said though the support of the House of Austria, and the giving a check to the ambition of France were such favourite points with him that he would come into any measures calculated for those purposes, yet he by no means approved the question in its new trim, as it would not only be worse for the public service, but a greater charge to the nation. The first as the Hanoverians would be less under our command whilst they were in the queen's pay; the second as no one could answer that the Austrian ministers would be faithful managers of so large a subsidy, and if a new treaty was to be concluded, the articles of levy and recruit money would not only come over again, but we should be obliged to hire the troops for a term of years certain, and pay an annual subsidy to the prince who let them out, besides, not to mention the additional months pay to the Hanoverians at dismission; all which it was evident must greatly exceed the sum they cost us last year: that, for his part, he could not have much regard for those who in this collusive manner agreed to a measure which they had set the whole merit of their opposition upon withstanding: nor for those who had been dupes enough to declare for it in public twice before, treacherous enough to decry it in private, and now mean enough to pursue it evasively.

Those who talked the same language with lord Doneraile were sir G. Oxenden, sir John Rushout, and Dr. Lee; the latter called this measure, the fruit of a new alliance which, he insinuated, would be of no long duration.

Mr. *Pitt* said, it was a meritorious and popular measure, which did honour to the minister who advised it, and the prince who so graciously vouchsafed to follow it, and must give pleasure to every honest heart: as to what had been thrown out, that the queen might take them into her pay when they were dismissed from ours, he did not like the question the less for that: he supposed she was at liberty to take or refuse them. God forbid they should be forced upon her on the one

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the methods we have taken, these two years past, for supporting that princess. I mean our taking and keeping 16,000 Hanoverian troops in our pay for that purpose. Though I always approved of our doing so, yet, as it was found fault with by many gentlemen here, and by many more without doors, I have now the pleasure to tell you, that his majesty has been so gracious as to dismiss those troops out of British pay. But as we are to withdraw from the queen of Hungary's assistance such a large body of troops, we must encrease her subsidy, that she may be able either to raise an additional number of troops within her own dominions, or to hire troops from some of her neighbouring states in Germany.

This, Sir, will not, I hope, be opposed by those who shewed themselves so zealous against our taking or continuing the Hanover troops in our pay, because, at

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hand, or on the other that those unfortunate troops should by our votes be proscribed at every court in Europe. It was sufficient that the ill consequences which were apprehended from the voting them year after year as part of our own army, and upon the foot of a rival establishment, had been removed by his majesty's wisdom and goodness.

The reflections cast out by lord Granville's friends, and the strong terms in which the merit of this question was extolled by Mr. Pitt, drew up sir H. Lyddel; he expressed himself with sense and propriety, but a good deal of warmth. It was indifferent to him through what canal the Hanover troops were paid, provided their service was not lost to the public, but he thought the manner in which the question was treated by the hon. gentleman who spoke last, required explanation, because if it passed without one, it might carry an appearance to the world, that the House was of opinion these troops, let the occasion be never so pressing, could never roll with the British: and as he was confirmed in the sentiments he declared on that head the last session by the good harmony which had subsisted between the two corps during the last campaign, he would take the judgment of the House as to their compatibility or incompatibility, and hoped for assistance in framing a motion to that purpose.

Pitt carried himself in his reply with all the art and temper imaginable; he soothed and complimented sir H. Lyddel, and at the same time put the question on a more just and acceptable light; that the hon. gentleman had quoted his words exactly, but mistook his meaning, which was not to give offence to a heart so honourable and honest as his: that he considered the question as an expedient for unanimity, without making any invidious retrospect to what had passed in former debates; that he heartily wished all the differences they had occasioned might be buried in oblivion, and not revived again to the reproach of any gentleman whatever. He covertly insinuated to sir H. that this question would only serve an interest which he did not doubt they both rejoiced at the removal of, and should be sorry to see restored.

Sir Henry came off very handsomely, thanked Pitt for telling him of his warmth, and acknowledged as his question might be improper at this juncture, he would lay aside all thoughts of it.

Mr. *Pelham* closed the debate, but it was chiefly to let the House feel that he understood the artful drift of those who had declared they would rather vote the Hanoverians than give the subsidy, was to revive former animosities, which it was his desire and that of every honest man to suppress, and that he trembled to think on what had formerly passed within these walls on that tender subject. He declared, however, that by moving this question he did not mean to renounce his former opinion, or to acknowledge that the objections to the Hanover troops were well grounded, since he was thoroughly satisfied to the contrary. The question passed almost unanimously, and so did the subsequent ones for 8,000*l.* to the elector of Mentz, 24,000*l.* to the elector of Cologne, 200,000*l.* to the king of Sardinia, and 138,000*l.* for the Extraordinary Services of the year 1745; and they were confirmed the next morning on the Report with very few negatives. It is certain this expedient was but coolly received by the old corps, and the speeches of lord Granville's friends seemed to have made an impression on the House; however, as the former did not openly express their dislike of it, the latter were so far disappointed of their aim. The report was general before the debate came on, that a great part of the Tories would oppose the question, and from their acquiescence in it, people imagined they had obtained some further points.

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the same time they opposed that measure, they recommended our supplying her with money instead of those troops; and they must the more readily agree to what I am now to propose, because I am not to desire such an addition to the subsidy we formerly paid her, as is any thing near equal to what we paid for the Hanoverians. As every state must grow the weaker the longer they are engaged in war, the queen of Hungary herself must be supposed to be weaker than she was last year: her revenues must be more exhausted, and even a great deal less than they were last year; because, by the irruption of the Prussians into Bohemia, she can expect very little from that kingdom for supporting the expence of the ensuing year; and as her troops are now almost entirely drove out of Bavaria, she can expect few or no contributions from that country: nay, if she should recover it, she could not expect any great supply from a country that has been so often over-run by its enemies, and so much plundered by those that call themselves friends: in the Netherlands, too, her dominions have been curtailed by the loss of the whole castellany of Ypres; and on this side of Germany she has lost the greatest part of what is called Anterior Austria. From all which we must conclude, that her revenues are not now near so great as they were last year; and extensive and populous as her dominions are, we must suppose, that the numbers of men fit to carry arms are very much diminished, considering the many battles and skirmishes her troops have been engaged in since the commencement of the present war.

Now, Sir, with regard to the queen of Hungary's allies, except ourselves and the king of Sardinia, it cannot be said that she has been, or can expect to be vigorously assisted by any one of them; at least, she can expect no such thing for next campaign; and as to the king of Sardinia, whatever he may do by his courage, prudence, or conduct, which have always been conspicuous, he could not propose to assist her with any subsidy, or with any great number of troops, were he now as powerful as he was at the beginning of the war; but as he is now out of possession of the whole duchy of Savoy, we must conclude, that he is not able to give her near so much assistance as at first. With regard to the Dutch, indeed, they have all along given her some assistance in money, and, at last, they agreed to assist her with a body of troops; but they have not yet, nor can it be expected that they soon will resolve to assist her with their whole force.—The Saxons, it is true, have already sent a body of troops to her assistance; but by the precipitate and confused dissolution of the diet of Poland, we have been disappointed in all our expectations from that kingdom; and hitherto we have been disappointed in our expectations of assistance from Russia.

The late war in the queen's time, may convince us, how inexhaustible France and Spain are, both of men and money: as France has had, for several years past, a more extensive trade than she ever had before; and as Spain has now a more prudent and a more vigorous government than she has had for a century past, we must conclude, that both are in a much better state, than they were at the beginning of queen Anne's war, and therefore that neither of them is as yet any way near exhausted, either of men or money; consequently we must suppose, that both are able to carry on the war for several years to come, with as much vigour, perhaps with more, than they have done for the time past.

With regard to Germany, indeed, the accident of the late Emperor's death, is a considerable alteration in our favour; but then as the son seems to have resolved to tread in the footsteps of the father, we cannot reckon much upon this alteration, unless Providence should interpose in our favour, by giving a turn to what seems to be the present sentiments of the court of Munich. But whatever may happen in this respect, it is much more than overbalanced by the king of Prussia's breach of the treaty of Breslau, and not only declaring openly against the queen of Hungary, but invading her dominions with a numerous army. This sudden and unexpected change in that prince's behaviour, has rendered the condition of the queen of Hungary much more dangerous than it was last year; and indeed calls upon the most serious consideration, as well as the most powerful assistance of all those who have any regard for the preservation of a balance among the powers of Europe.

This, Sir, is the true state of the present circumstances of Europe; and in this state, I think, I need not make use of any rhetoric to persuade gentlemen to make a small addition to the subsidy formerly granted to the queen of Hungary, in lieu of the 16,000 Hanoverians now dismissed.

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I shall therefore conclude with moving, "That 500,000*l.* be granted to his majesty, to make good his engagements with the queen of Hungary, and to enable her to augment and increase her army, for the support of the House of Austria, and for carrying on the present war with vigour."

Viscount *Doneraile:*

Sir; since I find, by what the hon. gentleman has said, that our foreign subsidies are to be enlarged, I have still some hopes the national struggle we are engaged in may be continued; and as I do not yet flatter myself that the affairs of Europe are come to so happy a crisis, as to render it prudent for this country to remove her strength from the continent, or to abandon her former views, I rise up to give those reasons which incline me towards the motion. I shall only observe, that as I have all along contributed my small mite towards the support of the queen of Hungary and the common cause, and upon that single principle, voted for taking the 16,000 Hanoverians into our pay, I shall but act consistently when I assent to this proposition, which I look upon as a counterpart of the old measure, pursued upon the very same plan, for the very same ends, but of which the nature of the times, and to salve some tender consciences (whose declarations were too strong and public to recant) have made it necessary to vary the nominal shape, and put into a substantially worse form, in order to court their approbation; but, Sir, such flimsy textures will never be sufficient to deceive the nation; every-body without doors being thoroughly satisfied, that Hanoverians are still designed to be employed, though not immediately by us, yet at our cost, but in a shape to be unknown, and unaccountable to this House: nor shall they ever urge me to lose sight of the true end of this Subsidy; for from the confidence I repose in the hon. persons who now form our ministry, I am fully convinced, their meaning in asking it, is no other than for the good of their country, and the balance of Europe. For my own part, Sir, though I have made use of the word confidence, I do not see it necessary either to depreciate the gone minister, or to fawn upon the reigning one: to the former I had no objection; his abilities stood universally confessed; and for the hon. gentleman who now fills that important post, time only can evince to those who doubt, with what weight and dignity he will support the ministerial character.—But, Sir, admitting the necessity of pursuing the war, there are still two very material considerations which remain upon this question: the first whether the common cause will receive any real addition of strength by this new trim? The second, whether, in the present loaded condition of this country, in point of expence, we shall be gainers or losers by it? And, Sir, though I allow the queen of Hungary may, in her own country, be able to raise and employ a greater number of men for 200,000*l.* than we can hire for the same sum, yet I cannot help taking notice, that too frequently abroad, in distributing large sums of money, much may be misapplied, greatly to the disadvantage and disappointment of the country that has given it.

Why then, Sir, we are to consider, whether we had no other means of supporting the common cause, than by granting the court of Vienna this additional subsidy, or whether England, now actually become a principal in the war with two of the greatest powers in Europe, acts prudently in parting with so considerable a part of her army from the Low-Countries in order to give the queen of Hungary 200,000*l.* to be employed where she pleases, and how she pleases? But, Sir, as I lay no great stress upon the treaties or honour of foreign princes beyond what is consistent with their present interest, and as an unforeseen and a great event has lately happened that may possibly change the face of affairs in Europe; I say, Sir, suppose the House of Austria, long harassed with war in her own hereditary dominions, and now seeing the great object of her fear, by chance removed from his large pretensions upon her territories, should think this the proper time to patch up a separate peace with France; that naturally must turn the French views to the Low-Countries, and then I fear we should find too late the fatal want of this army under our own direction, and the small utility arising to us from this subsidy: I am far, Sir, from presuming to be politician enough to prophesy, and only mention this as a sort of argument how injudicious I think it to part with substance for shadow, or when our own interest is concerned, to suffer that power to go out of our hands, which we have once had there.

The Dutch, Sir, by equally contributing to the subsidy for the elector of Cologne,

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have last summer pretty strongly shewn their inclination to join in the support of the common cause, and their approbation of the measures we were then pursuing: and though it could be wished they would take more vigorous steps, yet I really think at a time we are ourselves disarming in the very place they are most concerned to see strong, no great expectations can be formed from so cautious and wary a people, and especially when we reflect upon the treatment they met with from us at the end of the last war; so if jealousy and suspicion, founded upon the experience of our former conduct, and added to the late sudden and unaccountable variation of our men and measures at this critical juncture both at home and abroad, should indicate to them the least resemblance between that ministry, which then subsisted here, and our present, or those connected with them; how fatal might it prove to the negociations of the noble lord, whose known zeal for his country, and undisputed abilities to serve it, might probably surmount any difficulties not arising from those unfortunate prepossessions!

With respect, Sir, to the expence of this new measure, which can only be shewn properly by comparison with the last, and which by the manner it is now laid before us, is most artfully rendered impossible to be exactly done, I can only say, that the subsistence of the 16,000 Hanoverians last year, cost us not quite 400,000*l.* whereas the additional sum now moved for in money, is no less than 200,000*l.* to which, suppose only 8,000 mercenaries added (as 8,000 is half the number of the Hanoverians, and 200,000*l.* half the yearly price of them) at so low a price as that number of Hanoverians, then the usual subsidy upon those occasions will encrease our expence this year, upon this single measure, 50 or 60,000*l.* at least, with the disadvantage of a smaller army in Flanders by 8,000 men; and, I fear, I have greatly understated it too: for I believe few princes ever let out their troops, without making the subsidy annual for a certain term of years, and in that case, though we should have occasion for their troops but one year, yet as the total for the term, be it more or less, must be paid, then the whole will come under the increase of expence for this single year: hence, Sir, it is very visible our circumstances, and our purses, have not been more regarded upon this occasion, than upon that of the late 3½ per cent. bargain with the Bank; and I wish it may turn out, that the interest of the nation, and the success of the war, have been more amply considered.

Thus much, Sir, I have taken the liberty to say, not to oppose the motion now made you, but in hopes to remove the apparent levity that must naturally arise from my own conduct this year and the last, and which every body might not be generous enough to interpret as founded in opinion only, if I was not openly to declare, that I heartily lament it is not now in my power to repeat my assent publicly for taking the Hanoverians into our pay: for I am one of those who can never approve of privately stipulating that another power shall employ them with our money, which I verily and sincerely believe is now the case, and I am the more confirmed in that opinion from no treaty being produced that demonstrates to the contrary. I have endeavoured to shew that this measure is less efficacious, in all human probability much more expensive, and, in my humble opinion, in every sense less eligible than the last. But nevertheless, as I fear we have no alternative, and if we do not consent to this proposition, we must bid adieu to the war, without a vigorous prosecution of which I am convinced we can never arrive at a safe or honourable peace, I shall, by compulsion, give it my assent.

Mr. *Thomas Carew:*

Sir; from the time I first heard of the change in our administration, I expected some such motion as this, because I foresaw, that such a change must necessarily be attended with at least a seeming change in our measures, in order to furnish an excuse for those who had with so much vehemence exclaimed against the measures of our late minister. It was loudly complained, by some of those who have now accepted of a share in the administration, that the interest of England and the peace of Europe, were sacrificed by our late minister, to the particular and selfish views of a little German electorate: will they sacrifice them less? By the terms upon which they have accepted of a share in the administration, or rather a share of places and preferments, I am afraid they will not. The interest of England will still be sacrificed, but sacrificed in a more hidden, and consequently a more dangerous manner. Our late minister declared it as his opinion, that the in-

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terest of Hanover and the interest of England were so connected and inseparable, that the one could not be sacrificed to the other, because whatever was for the interest of the one must necessarily be for the interest of the other; and the openness of his declaration, together with the avowed manner in which he pursued the views of Hanover, was some sort of proof at least, that he sincerely believed what he openly professed; but as for those who have frequently, and in the most public manner, declared that the interest of England may be sacrificed to the interest of Hanover, if they in any manner sacrifice the blood, the treasure, and the peace of England to the views of Hanover, they deserve all the epithets they so liberally bestowed upon our late minister; and if they do it in a bidden or indirect manner, it is a proof that they are conscious of the wickedness of the measures they pursue.

Our late minister, Sir, took 16,000 Hanoverians into British pay, and continued them in it, because it was for the interest of Hanover that we should have their troops rather than those of any other state in Europe; and this he did openly, avowedly, and directly; but to do so now, would be inconsistent with the most explicit declarations of those who are lately become placemen. As a salvo, then for their honour, the Hanoverians are seemingly to be dismissed: we are to have no estimate for those troops now laid before us, and yet every man of them, and horse too, will, I am convinced, be continued in British pay for the year ensuing, as much as they have been for these two years past. How is this to be done? Sir, it is very easy to see through the subterfuge: the queen of Hungary is to take one half of them into her pay, and to enable her to do so, we are for next year to give her 200,000*l.* additional subsidy, which is something more than one moiety of the sum we have paid these Hanoverians yearly for the last two years. Thus it is already evident from the motion now before us, that one half of this body of Hanoverians is indirectly to be kept in British pay for this next ensuing year; and as to the other half, I suppose we shall, towards the end of the session, have a Vote of Credit, or some such method taken, for enabling our ministers to keep them in British pay, which, they hope, may be easily passed over next session, or excused under the pretence that future accidents made it absolutely necessary for us to have such a number of foreign troops in our pay, and that it was found impossible to get troops to hire from any other potentate in Europe.

These, Sir, may, perhaps, be ludicrously called dreams or prophecies; but though I am no dreamer of dreams, nor ever pretended to be indued with a prophetic spirit, I am persuaded, they would now appear to be true prophecies, could we dive thoroughly into the secrets of the cabinet. As to the part the queen of Hungary is to be obliged to act in this imposition upon the British nation, I can easily foresee, that we shall never be able to come at the bottom of it, because it will certainly be managed by a private convention between her ministers and the ministers of Hanover; but as to the other half of these troops, if they be continued in British pay by any method whatsoever we may be able to come at some discovery, if we next session enquire strictly, and as we ought, into the disposal of the sums that have been, or may be granted in this session; and even as to that half of them that are to be paid, as supposed, by the queen of Hungary, we may, I think, certainly conclude, that it is so, if we find that these troops are next year employed in any of her armies; for as Hanover sent no troops at its own expence, to the assistance of the queen of Hungary, during last campaign, we may be assured it will send none at its own expence, during the next; and if the queen of Hungary were to hire foreign troops, and were left to herself, we may be as fully assured that those of Hanover would be the last she would choose, especially if she were to pay as much for them as we paid for them ever since we had the honour and happiness to have them in our service. Service, have I said? Sir, I beg pardon, I should have said, pay.

After having thus, Sir, I hope, fully exposed the imposition now intended to be put upon the nation, I shall but just touch upon what I take to be the chief question, which is, Whether we ought to grant any additional subsidy, or, indeed, any subsidy at all to the queen of Hungary? The hon. gentleman plumed himself upon what has been said in this House, that we ought to assist her with money, and not with troops; from whence he concluded, that since we are not next year to assist her with such a number of troops as formerly, we ought to assist her with a larger sum of money.

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Sir, when it was said that we ought to assist her with our money, and not with our troops, there was no question, whether we ought to give her any assistance or no? She was then every where upon the defensive, and in a defensive war, it was always allowed, that we ought to assist her; but if the powers united against her are willing to restore the peace of Germany, by leaving her in possession of all her territories there, with respect to that country at least, she is not now in a defensive, but an offensive war; and in such a war we are neither obliged, nor ought we to assist her: I am sure none of our ministers would so much as think of assisting her, if it were not for the sake of something in view, that may contribute to the advantage of Hanover.

For this reason, Sir, before we agree to this motion, we ought to have laid before us the several propositions that have been lately made for restoring the peace of Germany, and particularly the negociations at Hanau. This, I hope, the hon. gentleman will consent to, that after a proper enquiry he may have the unanimous approbation of this House; for till a proper enquiry be made, I do not think myself at liberty to give away such a large sum of the people's money, when there is so strong a presumption, that it not only may, but ought to be saved.

Mr. *Wimington*:

Sir; as the hon. gentleman's discourse was directed chiefly to those who opposed the Hanoverian troops in the last two sessions, I have no particular call to give him any answer; but as I am extremely anxious about the fate of this question, and as I should wish most heartily, if it were possible, to see it agreed to *nem. con.* I think myself obliged to take some notice of what he said, lest it should have an influence upon some gentlemen in this House, and thereby prevent the question being so unanimously agreed to, as otherwise it might be expected.

What may happen before the opening of next campaign I am not wise enough to foresee, nor shall I expressly affirm, that the queen of Hungary will take none of the Hanoverian troops into her service, or that we shall not keep any of those troops in our pay; for surely it must be allowed, that circumstances may be such, as may oblige the queen of Hungary to hire a body of Hanoverian troops, and such as may oblige us to continue a body of those troops in our pay.—Suppose the French should persist in their design of pursuing their conquests in Flanders, must not we oppose that design? Must not we have an army in Flanders sufficient for putting a stop to the progress of their arms? Can we have such an army without taking foreign troops into our pay? Suppose then we should find it impossible to get a sufficient number of other foreign troops for that purpose, should not we in that case be under a necessity of continuing the whole or a part of the Hanoverians in our pay? The chief argument formerly made use of against our taking or keeping any Hanoverian troops in our pay, was because we were sure, that the electorate of Hanover would not declare or lend its troops against us; therefore it was said, that we ought to hire the troops of any other state rather than those of Hanover, because by that means we might induce that state to declare for us, or at least prevent its declaring or lending its troops against us. It must be granted, there was not much generosity or gratitude in this argument, but still it had its weight in politics, where generosity or gratitude are but seldom admitted, and the answer made to it at that time was, that we could not get any other troops to hire. This was a full answer, and was acknowledged to be such by every man that believed the fact; but there were many gentlemen amongst us who did not believe the fact, because by their not being in the administration they had not an opportunity of being, from their own knowledge, assured of a fact, which in the common course of things seemed so improbable, that they could not believe it upon the authority of our then ministers. Some of those gentlemen have since been taken into the administration: they have now an opportunity of judging of the fact from their own knowledge, and if they should find the fact to be true, would there be any inconsistency of character in their altering a former opinion, that depended entirely upon a disbelief of a fact, which they now find from their own knowledge to be true?

Therefore, Sir, if any alteration in the circumstances of foreign affairs should hereafter make it absolutely necessary for us to continue a body of Hanoverians in our pay, those who formerly opposed our doing so, and have lately been brought into the administration, may agree to it without any inconsistency in their conduct, because they may then with their

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own eyes see it impossible for us to get any, or not a sufficient number of other troops to hire, which is a fact they could not formerly believe, and indeed it is a fact so improbable, according to the common course of things, that it is not easy for any man to believe it upon authority. But what has this to do with the present question? Sir, if we judge as members of this House ought to do, I mean from parliamentary knowledge only, we have nothing to do with what the queen of Hungary may hereafter resolve on, nor with what future accidents may oblige us to resolve on. The case, as it stands before us at present, from all the parliamentary knowledge we have or can have, is plainly thus: for these two years past we have assisted the queen of Hungary with a body of 16,000 Hanoverians, which we took into our pay for that purpose: our ministers found that the keeping of these Hanoverians in our pay was disagreeable to some part of the nation, therefore, out of the great regard they have for the satisfaction of the people in general, they have dismissed them out of our pay: but as the queen of Hungary stands in need of as much assistance from us as ever, they have resolved to make it good by an increase of her subsidy, and an increase of the number of British troops employed in her service. The latter we have already agreed to, and now we are to consider the increase of her subsidy.

Now, Sir, with regard to the question, whether the queen of Hungary may stand in need of as much assistance from us next year as she did the last, I think, it is a question that can admit of no doubt, with any man who considers the great difference there is between the present situation of that princess, and the situation she was in last year, when we continued the Hanoverians in our pay for her assistance. The question, whether she be engaged in an offensive or defensive war, might then have been introduced with some sort of plausibility; but to talk of it now, when the French have dispossessed her of Anterior Austria, as well as a part of the Netherlands, and the Prussians have dispossessed her of the greatest part of Upper Silesia, seems to me a little strange. The war that princess is engaged in, not only is now, but has always been a defensive war; for when a prince is unjustly attacked, though he repels the attack, and attacks in his turn, yet the war continues to be defensive on his part, till he has compelled his enemy to make due satisfaction for the unjust attack.

We have, therefore, Sir, not the least pretence for entering into the enquiry proposed by the hon. gentleman, or for delaying the present question for that purpose; and such a delay might, at present, be attended with the most fatal consequences. The emperor of Germany is just dead: the throne of that powerful empire is again become vacant; and all parties have already began canvassing and caballing for a successor to that throne. How much does it import this nation and the common cause, to prevent the French court getting another emperor chosen to their mind? If we should, at this critical juncture, make the least hesitation in granting the usual assistance to the queen of Hungary, it would damp the spirits of all the princes in Germany, that are any way in our interest: it might make several, perhaps most of them, resolve to join the French party in the empire; and thereby France might be again able to place one of its friends upon the imperial throne. Sir, I am sorry to say, that the death of any prince is a lucky accident; but I must say, that the death of the last emperor was one of the most lucky accidents that could befall this nation; and if we should, by our jealousies and janglings among ourselves, be prevented from making the proper use of it, I will say, we deserve no favour from Providence.

But suppose, Sir, there were some ground for doubting, if the present war be, on the part of the queen of Hungary, a defensive war; and suppose our delaying our assent to the proposition now before us, could be attended with no bad consequences; yet, nevertheless, we ought not, by any means, to enter upon the enquiry proposed by the hon. gentleman; because, I think, it would be a most flagrant encroachment upon the chief prerogative of the crown, which is certainly, by our constitution, vested with the sole power of making peace or war. We are not, therefore, to judge whether the war be, on the part of the queen of Hungary, an offensive or a defensive war, or whether she ought to have accepted of the terms that have been offered for restoring the peace of Germany. To judge in such cases is the sole province of the crown, and as we can pass no judgment, for what purpose can we make any enquiry?

What the hon. gentleman was pleased to say about the liberties of Europe being

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in no danger from the present ambitious views of France, was, likewise, in my opinion, Sir, talking upon a subject which is not within his province, as a member of this House. The kings of Sweden and Prussia may have particular views of their own, and may have resolved to run the risk of sacrificing the liberties of Europe, for the sake of getting those views accomplished. If men had not often made a sacrifice of their liberties to their ambition, we should never have had such a thing as an arbitrary government in the world; and princes are certainly as much governed by ambition as private men. The Dutch too may have their particular reasons for not engaging as principals in the war, though they may be convinced, that the liberties of Europe are in the most imminent danger. These views and these reasons may be easily guessed at, but are not fit to be explained in such a public assembly, nor is there any necessity for so doing.

But supposing the liberties of Europe not to be in immediate danger, will any gentleman say, that the trade and navigation of this kingdom are in no danger? Sir, if the queen of Hungary should be obliged to submit to such terms of peace as might be prescribed by France, and if a new emperor should be chosen in the French interest, the trade and navigation of this kingdom would, in my opinion, be ruined beyond redemption. We should then be obliged to stand single and alone against the whole House of Bourbon, and as many of the other powers of Europe as they could bribe or force into their alliance, among whom the Dutch might, very probably, be one. Could we support even a naval war against such a powerful alliance? A confidence in our own strength is, I shall grant, a very commendable quality, and ought to be encouraged as much as possible among the vulgar; but those who have the direction of our public counsels, ought to be careful not to over-rate even our naval strength, which is certainly what we most excel in; and no man, who does not over-rate our naval strength, can suppose, that we could stand single and alone against such an alliance, because, by having no land war upon their hands, they would be at liberty to turn their whole strength towards their marine, and would in a year or two be able to send out a more powerful squadron than any we could send against them. In that case we should certainly be obliged to submit to such terms of peace as France and Spain might be pleased to prescribe, and from that unhappy era we might bid adieu both to our trade and navigation.

We should upon this occasion recollect, Sir, that we were engaged in a war with Spain, before the present war upon the continent began; and by the behaviour of France in that war, every one was convinced, that she was very soon to declare openly against us, or to act in such a manner as would have obliged us to declare against her. For that purpose she was augmenting her navy as fast as possible, and her seamen were encouraged to enter into the service of Spain; but the death of the emperor Charles 6, gave her something else to think on, and involved her in such an expence by land, as obliged her to put a stop to her preparations at sea. This is the true reason why we are now so much superior in naval power to both France and Spain; for, from the naval power of France in king William's war, we may be convinced, that we should not have been now so much superior, if that nation had lately applied themselves to increasing their maritime power, as much as they did about the time of the Revolution; and this they will certainly do, as soon as they are free from all fears on the side of Germany.

These considerations must shew us, Sir, that in the present war we have our own trade and navigation, as well as the liberties of Europe, to take care of, and that if the latter are in no danger, the former certainly are; we are therefore more concerned than any other nation in Europe in preventing France from having an influence over the empire or emperor of Germany; and as our rejecting or delaying the proposition now before us, may be the cause of France acquiring an influence over both, I am most heartily for giving it an immediate approbation.

Lord *Strange*:

Sir; that there is such an agreement already concluded with the queen of Hungary, or that there is such a resolution already taken by our ministers, in relation to the 16,000 Hanoverians, as have been mentioned in this debate, I shall not pretend to affirm; but this I may venture to prophesy, that during next campaign 8,000 of those troops will be paid by the queen of Hungary and the other 8,000 by Great Britain. This prophecy, is not founded upon any gift of prophecy, which is a gift I never pretended to, but upon what has been said by an hon. gentleman

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who spoke in favour of the motion now before us. He took care not to deny, that there was any such agreement or resolution: he denied only that he had ever heard of it: and he added, that it was highly probable it would be so. In this I agree with him: I think it is highly probable that one half of these troops will, next campaign, be in the pay of the queen of Hungary at our expence, and the other half in the pay of Great Britain: but this probability does not, in my opinion, proceed from the reasons assigned by that hon. gentleman, but from reasons of a very different nature. The reasons assigned by him, Sir, for the queen of Hungary's taking a body of Hanoverians into her pay, were, because they lie most convenient for her service, and because she may find it impossible to get any other troops to hire. I wish he had given us a reason, why he thought that princess might be under a necessity of hiring any foreign troops at all; for, in my opinion, that necessity can never exist, because she has such numbers of men in her own dominions, and those men are generally indued with such a martial spirit, and so willing to serve her, that, as long as she can keep possession of her dominions, she can never be under a necessity to hire foreign troops.

But now, Sir, supposing it possible that this necessity should exist, the troops of Hanover are far from being such as lie most convenient for her service: considering that her German and Italian dominions are now upon all sides invaded, or in danger of being invaded, we cannot expect, that she will send any of her troops to the Netherlands, which of all others is the territory of least consequence to her, and which we have rendered of less consequence than it would naturally be, by the methods we took some years ago, in conjunction with the Dutch, to cramp the inhabitants in their trade. Therefore, if she leaves in Flanders her troops that are now there, it is the most we can expect from her. All her other troops, and all the troops she can hire, if she hires any, must be employed in Silesia, Bohemia, Bavaria, Italy, or the Upper Rhine; and for all those places, the Swiss, the troops of Saxony, Wurtenberg, and every other prince in Germany, lie more convenient, and are nearer the place of action, than the troops of Hanover, as must be known to every gentleman who has ever looked upon a map of Germany.

The hon. gentleman was himself conscious of the weakness of this argument, and therefore he supported it with averring, not proving, that the queen of Hungary could get no other troops to hire; which he likewise made his sole argument, why we should next year, continue a body of Hanoverians in our pay; and this, he said our new ministers might now from their own knowledge be convinced of, whereas they could not last year be convinced of it, because they had it only upon the authority of our then ministers. I hope they will excuse me, if I put, this year, as little confidence in their authority now they are ministers, as they put, last year, in the authority of those that were then our ministers; for, considering their late conduct, I do not think they can expect a grain of more credit from the public. Therefore, as I am now no more a minister than I was last year, and consequently can have no assurance of this fact from my own knowledge, I must, from the common course of things, believe, that if either the queen of Hungary or we can get no troops to hire but Hanoverians, it proceeds not from any impossibility, but from a want of application; and that want of application proceeds from hence, that the queen of Hungary must, and our ministers chuse to shew a greater regard for Hanover than for the success of the war they are now engaged in.

This, Sir, naturally leads me to explain the true reasons why I think it so probable, that one half of these Hanoverians will next year be in the pay of the queen of Hungary, and the other half in the pay of Great-Britain. From what happened to the late emperor Charles 6, in consequence of his fatal dispute with the court of Hanover about the duchy of Mecklenburgh, and from several incidents since that prince's death, the court of Vienna must be sensible, how necessary it is for them to sacrifice every thing to the views of Hanover, if they intend to gain the assistance, or preserve the friendship of England. From hence it is probable, that upon our giving 200,000*l.* additional salary to the queen of Hungary, she will, or rather she must take 8,000 Hanoverians into her pay, and will pay over that sum to the court of Hanover, as the hire of that body of troops: this she will, she must do, because the court of Hanover have a mind to have 200,000*l.* of our money; and since they find they cannot come at it directly, they are resolved to-

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make use of the queen of Hungary as the cat's paw for drawing that sum out of the pockets of the people of England; which is a piece of low legerdemain that princess would scorn to submit to, if she did not know, that if she refused, she must expect no more assistance from this nation.

Thus I have, I think, Sir, in a pretty probable manner disposed, at our expence, of one half of the 16,000 Hanoverians; and it is the more probable that they will be disposed of in this manner, because of the sum which our ministers desire to be added to the queen of Hungary's subsidy: the sum they ask is 200,000*l.* which is just a little more than what we paid for that body of troops, according to the extravagant price we hired them at; and the surplus will, I suppose, be allowed to the court of Hanover, for waggon-money, douceurs, and those other articles, which have been brought in upon us by way of an after-charge, for the maintenance of those troops. Now as to the other half of these 16,000 Hanoverians, I say, it is highly probable that they will be continued in the pay of Great Britain; but for reasons of state, which have been already explained, this is not to be done by the authority, but the approbation of parliament. We are not in this session to give his majesty 200,000*l.* or any other sum, for 8,000 Hanoverians, but we are in this session to give him, perhaps, a much larger sum, and the next session is to approve, by the lump, of the uses it has been applied to.

This, I say, Sir, will, probably, be the case; and this probability arises not from any impossibility of our getting a sufficient number of other troops to hire, but from a resolution in our ministers to gratify the inclinations of Hanover as much as they can. Those inclinations are to get as much English money as possible, and in gratifying those inclinations, our present set of ministers are resolved not to be behind hand with those lately discarded. Those of the present set who may be called old ministers, have taught us, by experience, that they are ready to sacrifice every thing to the views of Hanover; and such of them as are to be called new ministers, have shewn by their sudden change from patriots to courtiers, without stipulating any thing in favour of the cause they had so long espoused, even at a time when they might have stipulated and obtained whatever they pleased: I say, they have thereby shewn, how fond they are of places at court; and those who have shewn themselves so fond of getting places, will, I am afraid, do any thing to preserve them. Of this, I think, we have already a proof, in the imposition intended to be put upon the nation by the proposition now before us; for I make no doubt of seeing it approved of by some amongst us, who have, in former sessions, and while they bore the august, though lately disgraced name of patriot, with great seeming zeal opposed our having any Hanoverian troops in British pay.

An hon. gentleman asked, Sir, what has this to do with the present question? What business have we now to enquire, whether the queen of Hungary is to take a body of Hanoverian troops into her pay, or whether a body of those troops is to be continued in our pay? Sir, has this House nothing to do with the nation's being choused, cheated, and imposed on? Have we nothing to do with our being made a party in carrying on that public cheat? The proposition now before us is the first step: if we agree to it, I make no doubt of our agreeing to the second, I mean a vote of credit; and if we agree to both, our ministers may, perhaps, be considered as the contrivers, but we shall be considered as the executioners, in cheating the nation out of 400,000*l.* I say cheating, Sir, for I can call it by no softer name. If it be necessary for us to continue the Hanoverian troops in our pay, let it be done, in God's name! as it was done last year, openly, avowedly, and above board: if it be not necessary to continue those troops in our pay, let them be openly dismissed, and the people eased of the burden of maintaining them. But do not let us give countenance to a measure, which, in the best light it can be viewed in, must be called a deceit: it may, perhaps, be called a '*pia fraus*,' a holy cheat: but as our religion stands in need of none such, I hope the good sense of our people will always prevent its being necessary to introduce any such cheats into our system of politics.

This, Sir, leads me to consider the case as it was stated by the hon. gentleman, who supported the motion now before us with so much art and eloquence. He told us, that our ministers, from their great affection of popularity, had dismissed the Hanoverians out of our pay: but, says he, as the queen of Hungary stands now in need of as much assistance from us as before, since we have withdrawn the Hano-

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verians from her assistance, we must make it good to her another way; and our ministers have resolved to do it by encreasing the number of British troops employed in her service, and by encreasing her subsidy. Sir, if they put us to as great an expence in money, and a greater expence in blood, I do not think, the people are much obliged to them for the wisdom of their measures; but to wave this point, I must insist upon it, that we are not to consider what assistance the queen of Hungary stands in need of, but what we are obliged and able to give her. I make no manner of question, but that for accomplishing all the queen of Hungary's views, she stands in need of more assistance than we have ever given, or can give her; but are we obliged, is it our interest, or is it in our power, to assist her in the accomplishment of all her views? No, Sir: we are obliged to assist her in the defence of her dominions, and no farther; and though they be now attacked upon every side, yet if those that attack her be willing to give over their attack, and leave her in the peaceable possession of all the dominions in Germany that properly belong to her, upon her submitting to reasonable terms of peace, surely we are not obliged to assist her in continuing the war after having rejected such offers of peace. I shall admit, that the war may continue defensive on her part, till she has compelled those who have attacked her to make satisfaction for their unjust attack: but by our guarantee of the Pragmatic Sanction we are not obliged to assist her in obtaining that satisfaction, and by our defensive alliance with the emperor in the year 1716, we are obliged to assist in obtaining satisfaction, only if possible. We are not therefore obliged by any treaty to assist her in obtaining satisfaction: if we were, it is neither for our interest nor in our power at present to do so; and surely, no nation can be obliged, even by the most solemn treaty, to do more than is in their power to do, it being a known maxim in equity, as well as law, that 'Impossibilium nulla obligatio est.'

It is therefore evident, Sir, that the proper question now before us is not, what assistance the queen of Hungary may stand in need of, but what assistance we are bound by treaty, or for the sake of our own interest, to give her: and for determining this question, it is certainly necessary for us first to examine all the propositions of peace that have been lately made to her. Against this, an hon. gentleman has made several objections, which I shall beg leave to examine. Such a proceeding, he said, might be attended with the most fatal consequences, because it might again enable France to place one of her friends upon the imperial throne. Sir, there is, and always must be, such a jealousy subsisting between the Germanic body and the kingdom of France, that the electors of the empire will never be directed by France in their choice of an emperor, unless they are forced to it by the ambition of the House of Austria; and therefore we should be extremely cautious of supporting that House in any such ambitious designs, as may force the electors and princes of the empire to throw themselves into the arms of France, for protection against the ambitious designs of the House of Austria; I may now say, the Houses of Austria and Brunswick; for as the latter has now the power of England, I fear, too much at its command, if they two should join, they might certainly oppress the liberties of Germany, if it were not for the protection of France. This, therefore, instead of being an argument against, is a strong argument for our enquiring into all the late offers that have been made for restoring the peace of Germany, before we come to any resolution upon the motion now made to us.

But, says the hon. gentleman, such an enquiry would be a flagrant incroachment upon the prerogatives of the crown, because the crown has the sole power of making peace and war. Sir, if we were to allow those gentlemen who possess lucrative places under the crown, to put what construction they please upon every prerogative of the crown, we should meet here for no other purpose, but to grant what sums of money the crown should please to demand, and to pass such laws as the crown should please to prescribe; and I am afraid, it will come to this at last, if many of those mercenary advocates for prerogative be not soon turned out of this House. The crown, it is true, has the sole power of making peace and war; but has not this House, with the consent of the other, the power of granting money? And as we have the power to grant, have we not the power to refuse? When a sum of money is asked, ought we not to examine into the reasons for asking it, in order to determine whether we shall grant or refuse it? And when a sum of money is

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asked for carrying on a war, can we examine into the reasons for asking it, without examining into the motives for declaring war, and the methods for carrying it on? Can we do this, without examining into the negociations for preventing the war, and the propositions that have been made for putting an end to it? What is now proposed would therefore be no incroachment upon the prerogatives of the crown, but a fulfilling of that duty which we owe to our country.

Upon another account, likewise, Sir, we may have occasion to enquire into the management of a war, or the negociations for preventing or putting an end to it, without encroaching upon the prerogatives of the crown. However high those prerogatives may be carried by those who possess lucrative places under the crown, I hope, they will allow, that this House may sometimes offer its advice; and whether they allow it or no, I will insist upon it, that we are bound to do so, as often as we have the least reason to suspect, that our sovereign has been, or may be, ill advised by his ministers, in the exercise of any prerogative. Ministers, it is well known, endeavour to find out the governing passions of their master, and to indulge those passions often to the prejudice of the public. When this is, or is suspected to be the case, we may, and ought to interpose with our advice; and in order to enable us to give a proper advice, we ought to make all such enquiries as may be any way necessary for our information. It is our present misfortune, that our king has a foreign dominion, where he and his ancestors have reigned for many ages: there he was born, there he was brought up, there he was married, and became the father of several children, before he ever saw this kingdom: it is but natural, it is highly commendable, in him to have a love for his native country; and we have many reasons to suspect, that this commendable passion has been too much indulged by his ministers. Suppose this should be the case with regard to the war in Germany: suppose the most equitable terms of peace have been refused, because they contained nothing for the advantage of Hanover; might not we, ought not we, in such a case, to interpose with our advice; and must not we, for that purpose, make an enquiry into the terms that have been offered?

Suppose, Sir, that this was the cause of the flames of war being last summer rekindled in Germany: suppose it to be now the cause of the war being continued in that country: can any gentleman imagine, that this cause would be openly avowed? No, Sir: this settling of a balance of power in Europe, the securing of the trade and navigation of these kingdoms, would be the causes pretended. We find it is so; but if the liberties of Europe be in danger, it is very strange, that the ministers of no state in Europe can see this danger, except ours, and those of the queen of Hungary and king of Sardinia, who expect to get by the event of the war. I never before took our ministers to be more quick-sighted than the ministers of other nations; and yet so blind are all other states, that none of them perceive any thing of this danger: even Hanover itself perceives nothing of it, as we must suppose, from its having never yet contributed any thing towards the carrying on of the war; for what it did the year before last, was done for the glory of its prince, and not for the sake of carrying on the war.

As to the danger which the trade and navigation of these kingdoms may be in from the event of the present war, I am surprized, Sir, to hear it mentioned by those, who, ever since the war in Germany began, have entirely neglected our war with Spain, which is the only one that can properly be called our own. Can we ever force Spain to any reasonable terms of peace, by carrying on a war in Germany? If we had put an end to the war in Germany, both the queen of Hungary and we should have been at more liberty to prosecute the war in Italy with vigour; and, I am sure, it would have been much more difficult for France to carry on a war in Italy than upon her own frontier; yet this she must have done, otherwise Spain would have deserted her, and would have agreed to the most reasonable terms of peace we could demand.

Sir, if we had designed to render the present war of dangerous consequence to the trade and navigation of these kingdoms, we could not have chosen a more effectual method for that purpose, than the method we have taken in the prosecution of it. By encouraging the queen of Hungary to hope, by means of our assistance, for obtaining an equivalent or satisfaction from France, we have revived the jealousy of the German princes, the event of which may be, that both she and the king of Sardinia may, at last, be forced to desert us, and leave us to stand single and alone in a

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naval war against the whole House of Bourbon, after our revenues have been exhausted by an expensive land war, and our trade ruined by our neglecting the war by sea, for the sake of carrying on the war by land. If this should be the case, we might have great reason to fear the event of a naval war against the joint power of the House of Bourbon; and the more so, because the nations around us would shake their heads and say, we had met with nothing but what we deserved. Whereas, if we take care to manage our revenues, and preserve our trade, and never meddle with the affairs of the continent, but when the liberties of Europe are in real danger, and when most of the princes thereof unite in calling upon us for assistance, we should have no occasion, even by ourselves alone, to fear the event of a naval war with the whole House of Bourbon: and as for the other princes and states of Europe, especially the Dutch, they would be always ready to join with us, rather than against us. Nothing can prevent this, but our playing the busy-body, and fomenting, upon all occasions, the differences in Europe, for the sake of gaining some little additional territory to that electorate, for which, I fear, our ministers, even at this time, have a very partial regard.—There never was, therefore, in my opinion, a time when it was more necessary for this House to interpose with its advice; and for this reason, I hope, the hon. gentleman will postpone his motion, till we have such lights as may enable us, consistently with our dignity and our duty, to determine, whether we are to agree with this proposition or no.

The several Resolutions were then agreed to.

*Debate in the Commons on the Pay of the Troops of Hanover.**] February 22. In the Committee of Supply it was resolved, "That 57,965*l.* 9*s.* 2½*d.* be granted to his majesty, for the allowance of eight weeks pay to the troops of Hanover for their return, computed from the 25th of December 1744, to the time of their discharge."

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Feb. 22. Sir W. Yonge moved the vote of two short months pay to the Troops of Hanover for their return, as an allowance which was constantly made to all foreign troops upon their dismission, as well since as during the last war, and that not only in cases where they set out immediately on their return home, but where they immediately went into the pay of another power (as for example, the Dutch) and continued to serve in the same country. Sir J. Philips and Dashwood objected to the unreasonableness of such an allowance except to forces which were actually on their march home, and then it ought to be given them only in proportion to the number of days which the journey would take them up, but in the present case they saw not the least colour for it, as 8,000 Hanoverians were still in Flanders, and as many with the duke D'Aremberg upon the Lower Rhine; that at this rate of proceeding the dismission of these troops would prove more burdensome to the public than the retaining them: and surely it was unwarrantable to apply to parliament for any more extraordinary payments after the vast sums which had been already voted them for levy money, forage, &c.

After a short debate the House divided, sir Watkin, Cotton, and most of the Tories were with the 181 majority; the Noes were only 40, and upon a second division on the Report, did not gain a single man; though the Ayes then were upwards of 200.

*Debate in the Commons on appointing a Committee to enquire into the Miscarriages of the British Fleet in the Mediterranean.**] February 26. On moving for a Committee to enquire into the Cause of the Miscarriages of the British Fleet in the Mediterranean,

Major *Selwyn* rose and said:†

Sir; I should not have trespassed

* From the London Magazine.

† The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

Feb. 26. We had an unexpected motion from a very contemptible fellow, major Selwyn, seconded by Velters Cornwall, "That it should be referred to a Committee to enquire into the Cause of the Miscarriage of his majesty's fleet in the action off Toulon." The topics they went upon were the utility of such public enquiries, the precedents for them upon the Journals of the House, particularly

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upon you, at this time, had I not been importuned by many without doors, and not by a few from almost every corner within; and although I may have less reason to confide in my own abilities than any other member of this House, yet if I were ten times more unequal to the task I am going to undertake, I should have resolution enough to attempt it: after so many solicitations, however others may account for their silence in a matter of the greatest importance to this kingdom, yet I am one

during the two last wars, as after the battle of la Hogue in 1692, the miscarriage of the Smyrna fleet in 1693, the disappointment at Cadiz in 1702, &c. They urged the necessity of an enquiry in the present case, when the whole nation complained that by the misconduct of the commanders or want of courage in the captains the superiority of our naval strength was rendered ineffectual, and an occasion let slip which might never be recovered, of destroying at one blow the combined fleets of France and Spain, and perhaps of preventing a declaration of war from the former.

Cornwall said, he knew a court martial was appointed to sit on the dispute between the admiral and the vice admiral, but the affair was of importance enough for parliament to take the cognizance of it into their own hands, 'dignus vindice nodus;' and besides that the judgments of those courts had seldom given much satisfaction to the world, our sea officers* had of late shewn so little of the spirit and gallantry by which they were formerly distinguished, that he was apprehensive they were not to be trusted with enquiries into each other's behaviour. It might be objected, that our enquiry must be imperfect, because all the witnesses required by the two admirals were not yet arrived; but he could assure the House, as several of the ships were returned from the Mediterranean, there was a number sufficient to begin with, and as the orders for sending home the rest were dispatched to Mr. Rowley a month or six weeks ago, they would in all probability be here before the session ended;—but suppose they were not, might not the House, if they thought it necessary, resume the affair at the next meeting? He could have wished somebody of greater capacity than himself had supported the motion, but he was so deeply interested in the success of it, not only from a national but a personal account, having had the misfortune to lose a brother in the action, that he could not restrain himself from being the first to give it his assent.

Mr. *Pelham* said he rose not to oppose the motion, but to inform the House of the state of this business: a Court-Martial was appointed by the crown to examine into it, and nothing delayed their proceeding, but the want of witnesses. He would refer it to them, whether the same objection did not hold against their entering upon an immediate enquiry, and whether they would chuse to take the affair out of the ordinary and legal course of decision, before that had been found insufficient for bringing it to a proper issue;—if the judgment of the Court-Martial did not give satisfaction, he should be as ready and hearty as any man to call in the aid of parliament: had great difficulties how to vote, wished the motion might be withdrawn.

Lyttelton supported Mr. Pelham, and thought it not constitutional to set an enquiry on foot here, before the judicature prescribed by law had finished theirs.

Grenville said, he wished a negative might not be put upon the question, though he owned an enquiry here would be attended with great difficulties. The first care of the present Admiralty, had been to have this business examined into, but their power extended no further than to the laying it before a Court-Martial, which might be greatly embarrassed either in acquitting those condemned by the public voice, or finding them guilty merely in compliance with it. A decision of parliament either way would have more weight, and be thought more impartial.

Cotton and Sir *Watkin* spoke warmly for an Enquiry as necessary to vindicate the honour and satisfy the justice of the nation,—that a Court-Martial must confine themselves to the dispute between Matthews and Lestock;—the House might examine into all the other causes of the miscarriage;—into the behaviour of particular captains, who, if public accounts might be credited, had a great deal to answer for.

Sir *John Rushout* reflected upon Mr.

* Alluding to the supposed misbehaviour of several captains in the fight off Toulon, and the late rencontre of the Hampton Court and Dreadnought with two French men of war returning from the West Indies.

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of those that cannot. Human nature, Sir, is liable to err, and if I should happen to err in the present case, I flatter myself the error will be on the right side, because I shall err with the people. No nation was ever yet unhappily engaged in a war, without being subject to such calamities as are but too grievous in their own nature to admit of any other than what are usual and unavoidable; so that if the people are still unable to brook their being disappointed of a glorious victory over the Spaniards in the Mediterranean, it is the less to be wondered at, since it was strongly suspected that an evil genius ruled at the vice-admiral's helm. And supposing that to have been the case, he might as well have furled all his sails as not have borne down upon the enemy, in aid of his gallant leader, so apparently overpowered and in distress; therefore, if it is possible to produce you a Briton suspected of being so far actuated by pique or resentment, as to prostitute the honour and dignity of a force ever formidable to all that have hitherto contended with it: if it is but the general rumour, that the sacrificing of a superior was a passion more predominant in him than a zeal for the service of his country, why then let him have the earliest day to clear himself of such an imputation: an imputation of such barbarity and dishonour, give me leave to tell you, Sir, is not so eligible as death itself. It is therefore for the sake of doing common justice to the characters of those concerned that I chiefly rise, and shall close what I have to offer with a motion to obtain what ought to be set in the truest and most public light.

These, Sir, are the sentiments of the people without doors, and that the power of court martials, or other inferior courts, is not extensive enough to procure such evidence as may be requisite to enlighten them in a matter of so nice a nature as is that of character, without your aid and indulgence. Sir, the French have one general maxim amongst them, which they seldom fail of putting in execution, whenever it serves their turn; and that is, to betray all those who depend upon them; therefore it was, that they deserted and bore away from the Spanish fleet off Toulon, which gave ours such an advantage over them, as is hardly to be thought of or expressed with common temper, because it is highly improbable that an opportunity can ever happen again so much to our advantage; nevertheless, is it not fit that the people should be informed how we came to lose this opportunity, at a time when great matters were expected, after a vast expence; when, instead of acquiring honour and glory to this nation, alas! our bright sunshine was suddenly eclipsed in a cloud of infamy and reproach?

Sir, although those who have the honour to serve by sea or land, may wear the livery of the crown, they are still but the servants of the state; in that light their conduct, as well as their grievances, come within our cognizance, and every individual man of them may be accordingly rewarded or stigmatized by us, who are not only the grand council of the nation, but the grand inquest too: so that whenever we enquire into a breach of trust or neg-

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Grenville for not acquainting the House, that his predecessors at the Board had directed an enquiry as soon as Matthews was returned, and had given in his charge against the vice admiral. He moved the previous question.

Doddington allowed the going into a precipitate enquiry, without a formed plan, and the requisite number of witnesses, might be productive of bad consequences, but the rejecting this question would be so disagreeable to the people in general, whose natural turn it was to apply to parliament for redress, as to be attended with much worse: that a diminution of national glory required a national censure, and a more solemn and extensive one than a Court-Martial could fix upon it. When Bowes and one or two more had talked in the same strain,

Mr. *Pelham*, perceiving that the inclination of the House was for an Enquiry, and that the odium of refusing one would lie upon him, rose a second time, and said he understood the motion at first opened to relate only to the contest between the two admirals, which was already *coram judice*; but since it appeared by the debate, to be meant for a general examination into the whole of the action, he would not oppose it. He was as desirous as any body that truth should come out: desired to screen no one; had no personal connections with any, and was sensible of the invidious interpretation which would be given to his conduct without doors if he put a negative upon the question. He forewarned the House of the temper, patience, and caution with which it was incumbent on them to pursue the enquiry.

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lect, thus notoriously grievous to the community; we then do—what? why, just no more than move within our proper sphere; as it is one of the first and principal articles of our institution; the taxation of the subject being but a secondary consideration; although our modern complaisance has given it the preference of all others, yet we may do it or let it alone; and when our ancestors refused to come into the Supply upon some particular occasions, they were in the right of it: it was to their eternal honour and renown, and we at this day enjoy the benefits of that laudable spirit.

Sir, I wish what is remarked of us by strangers, was not quite so true, that if England was but so faithfully served as France, and other countries, we might give laws to the continent; for who pays better, but who punishes less than we do? And that is the reason why we have been so often betrayed both abroad and at home; why we are always so liable to be ill-served. Was there ever a state-vulture brought to a reckoning, that pleaded the general issue? No, but on the contrary, obliquely owned the bill, by recriminating upon his predecessors, and that he had done nothing but what was the known practice of those that went before him. Thus, even criminal precedents are the pleas the people of this nation are but too shamefully fond of; yet, God be thanked! such pleas are but too mean and contemptible in their own nature, to be admitted of, in the most inferior courts of justice; why, then, should they prevail at a more solemn tribunal?

Sir, it must be allowed, that amongst foreigners the *amor patriæ* is strongly imbibed by them. We call it public spirit, but, alas! who is it among us that may venture openly to avow that principle? In this degenerate, immoral age, a man may boast of his honour and virtue; nay, he may pretend to something still more extraordinary; he may pretend to patriotism; but which of us, I pray you, Sir, has not observed what a wretched, pitiful figure party patriotism has made for three years last past? Whereas true patriotism was never yet confined or attached to any side, or to any set of men whatsoever. No, that principle constantly pursues such measures—as strike the mind with an indifferency to persons, cautious only with respect to things.

Sir, it is but a melancholy circumstance to reflect upon, that if the major part of our fleet in the Mediterranean had done their respective duties, or exerted themselves in any proportion with the hon. gentleman that commanded, and his second, whose loss to this nation can never be too much lamented, in all probability we had not yet been at war with France; because nothing is more plain and obvious to me, than that the French designed we should have destroyed the Spanish fleet; nay, they were surprised that 13 of our ships of the line should be kept at bay by only 5 of the Spanish fleet, neglected and in a manner deserted by their allies; for which neglect, though attended with no ill consequences, the French admiral was rebuked at his return home, by way of compliment to the Spanish court. If this miscarriage is not enquired into, I dread its consequences during the course of this war; a miscarriage, Sir, that has brought such a disgrace upon the flag of England; that flag, Sir, which never flew before upon the ocean without carrying terror with it to every maritime power, but is now become the scoff, the by-word of France, whose people shake their heads at it, and at this day, they serve up the action near Toulon, as a burlesque entertainment, upon the several stages of their playhouses.

Surely, Sir, such a slur upon the credit of our naval force hath made a wound, for which nothing less than a consultation of the whole House can point out the most expeditious remedy: if we neglect this, I prophecy, that your next campaign in Flanders will furnish the French with fresh materials, sufficient to complete another drama. I ought to know the difference, Sir, and I may with confidence assert, that the martial spirit of this nation is far from being wound up to that heroic pitch it was at during the last war, either by sea or land, although we are at full as great an expence, with a much less formidable alliance. Sir, examples were always of greater weight than precepts; for if offenders are still to escape with impunity, I doubt, in these our days, there are but few, yea, very few, that will fear the violation of trust, honour, or virtue; and therefore, I humbly move, Sir, "That it be referred to a Committee, to enquire into the Cause of the Miscarriage of his majesty's fleet in the action, last year, near Toulon, in the Mediterranean, against the combined fleets of France and Spain."*

* "It was very fortunate for England, that

Mr. *Velters Cornwall:*

Sir; my duty to my country, and my duty to my nearest and dearest relation, force me up to second the motion that the worthy gentleman behind me has so properly made you: but I must always call the day he has mentioned cruel as well as honourable: however,

'His saltem accumulem donis, et fungar inani
'Munere———

And to say the truth, Sir, the hon. gen-

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the French scheme for invading her proved abortive. It had been laid very deep, and was connected with another, which, had it proved successful, must have given the French the empire of the seas.

"The impatience of the queen of Spain at the difficulties her son Don Philip had encountered, became outrageous at the armaments of France and Spain continuing to be shut up in Toulon by the British admiral. The French, who wanted to husband their marine, were not overfond of risking a battle with the British fleet. But after their defeat at Dettingen, and their disgraces in Germany, they began to lend an ear to the court of Madrid, who proposed, that the combined fleets should, in all events, force their way out of the harbour of Toulon, and fight that of Great Britain. For this purpose a private treaty was entered into between the two crowns, by which France was to be indemnified for any assistance that she afforded to Don Philip. It was likewise agreed upon, that if the combined fleets should destroy that of Matthews, they had nothing farther to apprehend in the Mediterranean, and that they should directly join that of Brest, in forwarding the descent upon Great Britain; and it was with this view that Roqueville had put to sea so early before the rest of their expedition was ready, hoping every hour to be joined by the combined fleet from Toulon, or at least by de Court's squadron, in case the state of affairs in Italy could not suffer the Spanish squadron to leave that coast.

"This project was judged the more feasible, as they had certain intelligence that the British fleet was in a very indifferent condition, and that Matthews had sent several representations on that head both to his court and to the Admiralty of England. So far back as the 21st Sept. the French had begun to careen their ships, and on the 30th Dec. certain intelligence arrived that the Brest fleet was sailed. Matthews was then at the court of Turin, where both in his marine and ministerial capacity he had given great satisfaction to his Sardinian majesty. He immediately concluded, that the combined fleet would attempt to sail, and he dispatched expresses for all the English ships, both in Minorca and other places, to join him with the utmost expedition. On the 11th Jan. following, he found himself at the head of the following fleet, viz. four ships of 90 guns, eight of 80, eleven of 70, and five of 60, being 28 ships of the line; besides ten frigates, of which six were of 50 guns, two of 40, two of 20, and two fire-ships; in all 40 sail, having on board 2,490 guns, 15,000 seamen, and 800 soldiers from Minorca.

"It is probable that the French having intelligence of this great force, would have avoided an engagement; but the orders both they and the Spaniards had received were peremptory. Their whole force consisted of 28 ships of the line; one of them, the Spanish admiral's, mounted 114 guns, 9 were of 70, 13 of 60, and 5 of 50 guns each, with 6 frigates; and all their ships were clean and completely manned. On the 9th Feb. in the morning, the combined fleet came out of the harbour, and Matthews, who had intelligence of their design, made the proper dispositions to engage them. The whole British fleet immediately got under sail; and while the enemy were with difficulty forming themselves into a line of battle, the British fleet continued plying to windward in the bay of Hieres, between the islands and the main land. But that night they anchored in the bay of Hieres.

"The van of the British fleet was commanded by Mr. Rowley, rear-admiral of the white, the center by Matthews, who had been lately made admiral of the blue, and the rear by Lestock, who had been advanced to be vice-admiral of the blue. By break of day they saw 15 sail of the combined fleet, the rest being concealed by the island Porquerole: and about seven, the British fleet advanced to meet the enemy, who stood towards them, but were hindered by the weather from getting out of the bay in the disposition that had been ordered.

"A small easterly breeze, however, springing up, the two fleets neared each other, but it was night before Matthews could get near the enemy, having had the signal out all the day, and a good part of the night, for the line of battle, which seemed to be declined by the French admiral. By this time, however, the admiral lost sight of Lestock and his squadron, which was full five miles astern of him, and the Spanish ships were astern of de Court, who still avoided to engage Rowley, who was in the van of the British fleet. Matthews suspecting that the French admiral intended to draw him down the Streights, where he might be reinforced by the Brest squadron, and fearing that the whole of the combined fleet might escape him, determined to break through the form of a line of battle, and about twelve o'clock on the 11th, he made the signal for engaging, which was not repeated by vice-admiral Lestock, though he had repeated all the preceding signals. Matthews himself bore down upon the Spanish admiral, and ordered the Marlborough to do the same. The action was begun within pistol-shot: about half an hour past one, captain Forbes, in the Norfolk, engaged the Constant, the second a-head of don Navarro, who

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tleman and I have frequently before now intended to move a question of this sort, but we have as often expected it to come from more able gentlemen now in my eye, as one condition, *sine qua non*, of their change of situation; more than half of the session is lapsed, and not one of these conditions is fulfilled.

Sir, almost all the money is given, that not only the most believing and most sanguine country gentleman can raise, but that the most devoted courtier can ask,

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soon bore away, and never shortened sail while they could see her. The rest of the admiral's division ahead engaged those ahead; about two o'clock rear-admiral Rowley, and captain Osborn in the Princess Caroline, engaged monsieur de Court and Le Ferme his second, with great obstinacy, which prevented the French admiral from going to the assistance of the Spaniards. In the mean while admiral Matthews and the Marlborough had brought the Real to be a perfect wreck; but the Marlborough driving a little too near the admiral in the very heat of the action, obliged him to fill his sails and go ahead, which he did with much difficulty, his masts and rigging being greatly disabled, and having very little wind, with an ugly swell. This misfortune left the Marlborough, who was assisted by no other ship, engaged singly with perhaps the greatest ship in the world; Cornwall, the captain of the Marlborough, after performing wonders, lost both his legs and his life with a chain shot; and about three o'clock the Marlborough's main and mizen masts were brought to by the board. The lieutenant, however, continued to fight bravely; but the Poder, a Spanish ship of 60 guns, obliged the Princessa and Somerset to quit the line, while the Dragon, Bedford, Kingston, Guernsey, and Salisbury, continued the fire, but at too great a distance. This being perceived by captain Hawke in the Berwick, he bore down, and bravely engaging the Poder within half musket shot, soon dismasted her, and obliged her to strike. By this time Matthews made a signal for the Anne galley fireship to burn the Real, who still lay as a hulk upon the water. But before the fireship could be got ready, four Spanish ships astern passed by Lestock, and reinforcing the Spanish admiral, fired upon the fireship, which blew up when she was within a cable's length of the Spanish admiral, and within her own length of the Royal Philip another Spanish ship, which lay disabled with her stern to the Marlborough. The admiral himself was at that time within musket shot of the Real, and was afterwards engaged within less than musket shot with the same four ships which Lestock had suffered to pass by him, and which raked the Namur, Matthews's ship, fore and aft for some time. About five o'clock the Marlborough was towed out of the line in a very disabled condition, and then Matthews made the signal for the line ahead and wore round; but he was only followed by the Dorsetshire, Essex, Rupert, and Royal Oak, which were astern of him; these, however, formed the line with the admiral, and engaged the Royal Philip and six other Spanish ships, which had got into a close line with their admiral.

"It is agreed, that the Spanish division must now have been entirely destroyed, had it not been for de Court, the French admiral, who with his second continued to be closely engaged with rear-admiral Rowley and the Princessa. About three o'clock the French admiral made the signal for the van to tack, with an intention to put admiral Matthews between two fires.

"This obliged Rowley to tack likewise, to join the center of the British fleet, which upon the French tacking was in imminent danger of being destroyed; vice-admiral Lestock not having, during all this time, brought up his division to reinforce it, which he might have done as easily as the four ships astern of the Spanish division had arrived to save Navarro in the Real. The aim of the French seems to have been to disengage the Spanish admiral, for they declined fighting four or five of the British van, which were ranged within pistol shot; but they retook the Poder, which had struck to captain Hawke. The Spanish and French squadrons being now joined, at half an hour past five the British admiral made a signal for his fleet to draw into a line of battle ahead, while the engagement continued very smart between the Namur and some other ships of the same division, and the sternmost ships that had joined her. But night coming on, the firing ceased on both sides, and the combined fleet took that opportunity of towing all the crippled ships before the wind, and making the best of their way from the British fleet. Mean while, about eight at night, admiral Matthews was obliged to shift his ship, and hoist his flag on board the Russel, captain Long. By break of day he saw the enemy's ships again to the leeward; he chased them again, the French lying in a line of battle to windward of the Spaniards, most of them hull to, but as he drew near them they made sail, and left the disabled 60 gun ship (the Poder). The admiral then sent the Essex ahead, and ordered captain Norris to burn the said Spanish ship (not being able to spare any of his squadron to carry her to Minorca) which captain Norris did, and she blew up about half an hour after nine at night. Though the moon shone very bright, the British fleet, about ten o'clock, lost sight of the combined squadrons, and there being but little wind, admiral Matthews brought to, that the sternmost ships might get up with him.

"Thus far Matthews seems to have behaved with great personal bravery, and Lestock, who kept aloof during the whole engagement, to have sacrificed the honour and interest of his country to the meanness of resentment. But Matthews, in his turn, seems to have been not wholly void of the same influence. For upon

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but not a single grievance has been redressed: should not these, Sir, and our supplies proceed *pari passu*? Let us therefore, for shame! make a beginning with this; and as it cannot be redressed but by enquiry, let us now exercise one of our fundamental rights, which our infatuation has so long suspended, that it is almost lost.

There is not a man in the nation who does not know, in his private capacity, that there has been great misconduct, nay,

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the combined fleet retiring in disorder, Lestock, with his division, gave them chace, and was followed by the whole fleet; but just as Lestock was in hopes of coming up with the enemy, and saw them actually towing off the Royal Philip, Matthews made the signal to leave off chace. Thus the combined fleet's escape was owing to the mutual aversion those two commanders had for one another, and to the failure of duty in three of the division under Matthews, who either did not engage, or did not properly engage the enemy, captain Burrish of the Dorsetshire of 80 guns, captain Ambrose of the Rupert of 60 guns, and captain Williams of the Royal Oak of 70 guns. The combined fleets got upon the coast of Spain, where they separated in a hard gale, the French division putting, on the 16th, into Alicant, and the Spanish, next day, into Carthagena. There was, it seems, the same disgust subsisting between the Spanish and French admirals, as between the two British admirals. The French was accused of having sacrificed their confederates to the whole fury of the British fleet; and though it was plain that de Court had saved them from destruction, and in every respect had behaved like a brave and skilful commander, yet the court of France was, to oblige that of Spain, forced to disgrace him, though he afterwards was restored to his command, with circumstances of honour, and conviction of the wrong that had been done him.

"As four Spanish men of war, for want of hands, had been left at Toulon, Matthews was apprehensive that the French, in his absence might man them, and send them with transports and provisions to Italy; he was therefore extremely desirous of returning to his former station at Hieras bay, as being the station the most proper for the great business contained in his instructions. But finding this to be impracticable on account of the winds and weather, he was obliged to make away for Minorca, and on the 28th Feb. he anchored in Mahon harbour, purposing, that as soon as the great damage his ships had sustained was repaired, again to put to sea. The loss of the men in the engagement was not above 400 killed and wounded, but that of the enemy was upwards of 1,000. The brave captain Cornwall, who was killed, had a noble monument afterwards erected to his memory, in Westminster Abbey, by a vote of the British senate, and at the public expence; an honour his gallant behaviour well deserved. The captains Forbes, Osburn, and Hawke, had afterwards distinguished honours and preferments bestowed upon them suitable to their spirit, courage and conduct; as had rear-admiral Rowley, it being universally acknowledged, that had all the commanders of the British fleet, during that engagement, done their duties equally well, the Spanish squadron, if not the French likewise, might have been totally destroyed, and a glorious end put to the whole war.

"Matthews had, it seems, some presage of what would happen; for he had long desired that either he or Lestock might be called home, and even charged the ministry with a stipulation he had made with them, that he should not be obliged to serve with Lestock in the same fleet. In the mean time, he sent Lestock some queries concerning his conduct; and they entered for some days into a kind of a paper war together. All that a reader not perfectly aequainted with sea terms can learn by it is, that Matthews, from an eagerness to engage the combined fleets, which he was afraid might escape him without any engagement at all, had been somewhat precipitate in his attack, and irregular in his signals; and that Lestock, on that account, covered his backwardness in not coming up to engage, under the pretexts of observing discipline, and accused the admiral of such indistinctness of orders, that he did not know, or, to speak more properly, he was not obliged to know, their meaning. Matthews, however, not being satisfied with Lestock's answers and replies to his queries, sent him a letter of suspension till his conduct could be properly enquired into. Upon this Lestock immediately struck his flag, and sailed in the Salisbury from Mahon, and arrived at Spithead on the 24th of May. It must be acknowledged that his situation was particularly severe. He was in the eye of the disappointed and enraged public a criminal, and the resentment and prepossessions against him were daily gathering strength. To add to this misfortune, when he came to Spithead, the ship he was in was obliged to perform quarantine; but he bore all with great patience and temper, and by his dexterity not only wrought himself clear of the charge, but directed it upon the head of his judge and accuser. For at his earnest entreaty a court-martial was ordered to be held to try him, and he had time allowed him to bring his witnesses from the Mediterranean.

"The public thought that this delay was only intended to evade an enquiry, and to screen some great men as well as Lestock; and therefore, in February following a motion was made in the House of Commons, "That they would, in a grand committee of the whole House, enquire into the cause of the miscarriage of the attack made in the Mediterranean on the joint fleets of Spain and France by the British fleets, which was superior in number of ships

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cowardice, somewhere or other in the commanders of this English Armada. Should not then, Sir, even our ministers themselves have laid the whole before parliament? But which of us, in his public capacity here, has heard a word of it? Do none of our ministers recollect what was done when the duke of York commanded, in the time of king Charles the 2nd; and admiral Russel, in that of king William? And these, Sir, were in some sort victories; for although in the former, the

to them both." This motion was made by major Selwyn, and seconded by Mr. Cornwall, brother to the captain of the Marlborough, who lost his life. It was objected to by Mr. Pelham, as an encroachment upon the prerogative, and invasion of the rights of other courts, as well as an entering upon an affair of which the majority, at least, of the committee could not be proper judges; but as the question was popular, and the intention of it regular, and as precedents were brought to show that an House of Commons had formerly entered upon enquiries of that kind, Mr. Pelham very wisely withdrew his opposition, and the question was agreed to unanimously.

"The trial of the delinquents coming now before a committee of the House of Commons, greatly altered their situation, and Lestock now found means to bring a counter-charge against Matthews, who had resigned his command to rear-admiral Rowley, and had arrived in England the 19th of September preceding. It appears in the course of the committee's proceedings, that Mr. Pelham was well founded in the objections he had thrown out against it. Doubts multiplied upon doubts, facts upon facts, and evidences upon evidences, most of whom were brought from the Mediterranean, many of them had gone to the East or West Indies, and every witness who could not be had, was pretended to be so material by the party who wanted him, that it would be unjust to proceed without his testimony. Besides a vast number of seamen, upwards of thirty officers on each side from first to last was summoned to attend. The warmth of Matthews seems to have carried him too far in his charge. For he accused Lestock not only of tampering with evidences, but of having been tampered with by the enemy. This last insinuation received some colour of credit with his enemies; because it was publicly said in France, that in case of an engagement between the combined and the British fleets, Lestock would not fight. But this was very naturally accounted for by his friends, from the knowledge which the French had of the irreconcilable hatred subsisting between him and Matthews; and he himself, upon his defence, brought unanswerable evidence to confute the charge. The enquiry, such as it was, being over, Lestock made an artful defence at the bar of the House, and Matthews an honest one, and in the House itself of which he was a member.

"Notwithstanding the pains that had been taken, and the time that had been consumed, the House found themselves as little ripe as ever for any determination; all they could do was to come to the following ineffectual Resolutions: "That the British fleet, at the time of the engagement, was superior in force to the combined fleets of France and Spain. That the miscarriage in that action reflected on the honour of his majesty's arms, and was highly detrimental to the common cause, and to the interest of the British nation. That there was reason to apprehend, from the evidence laid before the committee, that this miscarriage was owing to a misconduct and misbehaviour in some of the commanders and officers of the British fleet."

"In consequence of those Resolutions, a long debate succeeded. Some members, from several incidents that had lately happened, had a very indifferent opinion of all courts martial, and thought the parties ought to be tried by a court sitting under a special commission from his majesty, somewhat in the nature of a court of delegates; but this was judged both unconstitutional and inconvenient; and it was resolved, to address his majesty, 'That he would be graciously pleased to give directions that courts-martial might be held in the most speedy and solemn manner, to enquire into the conduct of admiral Matthews, vice-admiral Lestock, captain Burrish, captain Richard Norris, captain Williams, captain Ambrose, captain Frogmore, and captain Dilk, in relation to the late engagement, &c.' To this Address his majesty was pleased to answer, 'That he would give proper orders for the speedy and effectual holding of courts-martial according to their desire. That he was sensible how much depended upon preserving an exact discipline in the fleet, and of the necessity there was of bringing to justice, such as had failed in their duty on this important occasion.'

"Of all the delinquents mentioned in the above Address, the greatest was captain Norris, who in the action commanded the Essex, a 70 gun ship, and behaved in a most cowardly manner. Being accused by his own lieutenants, he was protected by Matthews, who advised him to throw up his commission; and a sham court-martial being held upon him, he was acquitted, contrary to evidence, upon his father sir John Norris's great power in the navy. The House of Commons was moved for a copy of the minutes of the court, but he wisely withdrew from any farther censure.

"This court-martial was held at an immense expence, and to the great detriment of the public, the witnesses being so numerous, and all of them serving in the navy; but their services were discontinued for their attendance upon the court. The distance between Chatham and London being likewise great, the court was removed to Deptford. After long and tedious ex-

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Dutch burnt some of our ships at Chatham, yet before they got back, we sunk and destroyed 20 of their capital ships, though superior to us in number; and although in the latter, we destroyed 16 of the French men of war, for which the admiral had the thanks of both Houses and was created earl of Torrington, yet, Sir, those princes were advised, unaddressed, to lay these matters upon your table; and I read in your Journals, that censures were passed on particular parts of these transactions.

But now, Sir, though more than a twelvemonth ago, 40 ships of England made, with difficulty, a drawn battle of it against 30 of the combined fleets, yet the parliament of England is told nothing, nor has asked a single question concerning it. Therefore, for God's sake, Sir, for the sake of common sense, as well as justice and our own honour, let this enquiry be hastened, and I shall for the sake of form trouble you with two subsequent motions, viz. That it may be a committee of the whole House: and next, That this House do, on this day fortnight, resolve itself into a committee of the whole House upon this matter.

Mr. *Pelham:*

Sir; I do not rise up to justify the conduct of our admirals, or other officers concerned in the action near Toulon, nor shall I be so rash as to condemn any of them unheard. I shall admit, that considering the superiority we had over the enemy in number and strength of ships, the nation had reason to expect a much more decisive action in our favour: but in engagements at sea, as well as land, there are numberless accidents that may deprive us of victory, without any bad conduct, and that even when we have the greatest reason to expect making our victory complete. Upon that occasion it must be allowed, we obtained a victory, though it was far from being so complete as we had reason to expect. Whether our disappointment was owing to disobedience, cowardice, bad conduct, or accident, I shall not take upon me to determine, nor do I think it a question proper for this House to enquire into; and this, Sir, is what calls me up upon this occasion. The motion now made is, I am sensible, a very popular one; but I have three very material objections to its being agreed to. In the first place, I think, it would be an encroachment upon the prerogatives of the crown; in the next, it would be below the dignity of this House, because it would be descending to take upon us what properly belongs to one of our inferior courts; and in the third place, it would be a breach of one of the most equitable and known maxims of our constitution, that no man ought to be subjected to two trials for one and the same fact.

As to the prerogatives of the crown, Sir, I hope it will be granted, that as the executive part of our government is lodged in the crown, all crimes ought to be tried in the king's courts. In cases of an extraordinary nature, indeed, where

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aminations, captain Burrish, of the Dorsetshire, was declared guilty of part of the charge against him, in not doing his utmost to bear down upon, fight, or engage with the enemy in his station; and the court unanimously adjudged him to be cashiered, and rendered uncapable for ever of being an officer in his majesty's navy. Captain Williams, of the Royal Oak, was found to have failed in his duty, by not being in a line with the admiral, and by continuing to the windward of the line during the greatest part of the engagement, and not within distance to do proper execution during the greatest part of the time he was engaged; but his eye-sight being defective, and other circumstances appearing in his favour, he was only adjudged to be unfit to be employed any more in his majesty's service; but he was recommended to the lords of the admiralty to be continued upon the half-pay list according to his seniority. Captain Ambrose, though he had always before borne an excellent character, was found guilty of having had it in his power to engage closer than he did; but in regard that it seemed to proceed from an error of judgment, the court only adjudged him to be cashiered from serving in the royal navy during his majesty's pleasure, and to be mulcted one year's pay, to be applied to the use of the chest at Chatham.

"Admiral Maine sat as president of the court martial during the trials of admiral Matthews and vice-admiral Lestock, the rest of the board being composed of rear-admiral Byng, and fourteen other members. On the 3d of June 1746, Lestock was honourably acquitted. The trial of Matthews was a matter of great expectation to the public.

"The answers of Matthews to the several charges brought against him by Lestock, were so little satisfactory, that after Lestock was acquitted, and after a prodigious number of witnesses were examined, he was adjudged incapable of serving for the future in the royal navy. The public was astonished at this sentence, which seemed to be meant by the court as a warning for superior officers not to behave with haughtiness or insolence to their inferiors." Tindal.

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the criminals have been so artful as to guard against any conviction by the ordinary methods of trial, or where they are so high in the king's favour, that no justice is to be expected, nor any strict prosecution, in the king's courts, the parliament may then interpose, and proceed against such criminals either by impeachment, bill of attainder, or bill of pains and penalties, as a foundation for which, a previous enquiry may be sometimes necessary. But is there any thing like this, in the case now before us? A trial before a court martial, appointed by the king for that purpose, is the proper method established by our constitution, for trying and punishing any officer in our army or navy, who shall be guilty of disobedience, cowardice, or any other crime in his military capacity. Can it be said, that any of the officers who had the command of our squadron in the Mediterranean, have been so artful as to elude any conviction before a court martial, if they have been guilty either of disobedience or cowardice? Can it be said, that any of them are so high in the king's favour, that no justice is to be expected against them, in a court martial appointed by the king? Sir, I have never heard any such thing so much as pretended: if any of them have been guilty of a military crime, they may, they certainly will be tried and punished for it by a court martial, according to the usual method prescribed in such cases by our constitution; and if they have been guilty of such misconduct as evidently shews, that they ought never to be again trusted with such a command, the king is the sole judge, and no man who knows any thing of his majesty's true regard and ardent zeal for the public service, can suppose, that he will neglect to enquire into the conduct of every officer he employs, or that he will ever again employ an officer whose capacity has been once found to be deficient.

For these reasons, Sir, I must look upon the enquiry now proposed, as an encroachment upon the prerogative of the crown; and, I think, it is descending very much beneath our dignity. National grievances may deserve the notice of this august assembly; but provincial and particular nuisances are only fit for the presentment of a grand jury: so ministers of state, and other counsellors to our sovereign, are the proper objects of our enquiry, when they are suspected of having given bad advice to their master: or of having betrayed the counsels, or encroached upon the liberties of their country: but lower criminals ought to be left to the correction of inferior courts. We may, I think with equal dignity and propriety, usurp the business of the King's-bench, by enquiring into the conduct of a man who is suspected of murder, burglary, or larceny, as to usurp the business of a court martial, by enquiring into the conduct of an officer who is suspected of cowardice or disobedience. Criminals of this sort, Sir, are a game too low for this House to fly at. If they should be unjustly acquitted or condemned, we might, without going out of our province, enquire into the conduct, and punish the injustice of the judges, because an unjust judge is a national grievance: but as to the criminal himself, even supposing he had been acquitted through evident partiality, we could not properly bring him again upon his trial by any parliamentary prosecution; because it would be a breach of that maxim in our government, that no man is to be subjected to two trials for one and the same fact or crime.

This brings me, Sir, to the third objection I have mentioned, which is, that by the enquiry now proposed, the gentlemen whose conduct is to be the subject of our enquiry, might be subjected to two trials, before two different judicatures, for one and the same crime. That this would be the consequence must be acknowledged; or otherwise it must be acknowledged, that such an enquiry would be a direct attack upon one of the best known prerogatives of the crown. That the king has a power to try and punish, by means of a court martial, any officer in his army or navy, who has been guilty of any crime in his military capacity, will, I believe, be universally admitted: suppose, then, we should agree to this enquiry, and that upon such enquiry the conduct of all these officers should be approved of, would this preclude the king from trying any of them afterwards by a court martial? If this question be answered in the affirmative, then I will say, that such an enquiry would be a direct attack upon one of the best-known prerogatives of the crown, and might be the cause of very great confusion in our army; for if a gentleman, who had a great interest and many friends in this House, should be guilty of mutiny, he might get an enquiry into his conduct set on foot here, on purpose to prevent his being tried and condemned by a court

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martial. But if the question I have asked should be answered in the negative, then it must be granted, that after these gentlemen have gone through an enquiry in this House, they may be again tried for the same facts or supposed crimes by a court martial; and consequently the enquiry now proposed will be a breaking in upon the maxim of never subjecting a man to two trials for one and the same fact.

There is another reason, Sir, that shall always make me shy of bringing the conduct of any officer before this House: for popular assemblies, generally in such cases, rather try the fortune than the conduct of the commander. They make no allowances for human weakness, when an army or squadron happens to meet with a misfortune; whereas success will with them cover the greatest folly and maddest rashness, or the most glaring instances of misconduct. I shall grant, Sir, that this House has been less guilty of such extravagances than any other popular assembly we read of: but yet it has seldom happened, that ever any officer's conduct, when inquired into by this House, came off without some censure at least; and I do not find, that we ever enquired into the conduct of any officer that came off with success in an engagement, or warlike expedition, though our histories inform us, that in many encounters, our commanders came off victors, when by their bad conduct, or rash attempt, they deserved to have been soundly beat. I must, therefore, be of opinion, that in such cases a council of war, or a court martial, appointed by the king, who has certainly an interest in being prudently as well as faithfully served, is a more proper tribunal for examining into the conduct of any warlike expedition, than this House can pretend to be; for many of us are certainly not duly qualified for being judges in any such case, and those who have neither knowledge nor experience to judge of the matter before them, must be guided in their judgments by authority, by general clamour, by private passion, or by something that is not reason.

What I now say, Sir, may, perhaps, seem strange to many gentlemen that hear me: they may think that common sense and reason are sufficient for judging of the conduct of a sea engagement; but if this motion be agreed to, and the enquiry entered upon, they will soon be convinced of the truth of what I say. Most of us, I believe, will soon find ourselves in a labyrinth, when we begin to hear the evidence of our seamen upon this subject. So far from understanding the matter, very few of us will understand the language; therefore, before we enter into the enquiry proposed, I think, we should order a Dictionary of Sea Terms to be composed, and such a number of copies to be printed as may be sufficient for the members of the House. But when we have done this, and when every member has made himself so much master of this Dictionary, as to be able to understand the language of the witnesses, how shall we judge whether the orders given were proper, or whether it was possible to comply with them? If we trust to the opinion of the witnesses that are to be examined, we may depend upon it, and I shall not scruple to prophesy, that we shall find it to be, 'So many men, 'so many minds:' every seaman will give his opinion, and his reasons for his opinion; but how shall gentlemen, who never were at sea, judge of his reasons? and if we cannot judge of his reasons, by what rule shall we prefer the opinion of one seaman to another? These considerations, Sir, furnish me with another very strong argument against the motion; because from them I am convinced, that it will be impossible for us, by such an enquiry, to give any satisfaction to the people, to gain any honour to ourselves, or to do any justice to the gentlemen whose conduct we are to enquire into. Therefore, in the light I behold this motion at present, I cannot approve of it, but shall suspend my judgment till I hear what other gentlemen say upon the subject.

Mr. *Lyttelton:*

Sir; my hon. friend near me, has so fully shewn the irregularity, inconvenience, and inutility of our going into the enquiry proposed, that I can add but very little to what has been so well said by him upon the subject; but as I consider this motion not only as an attack upon the known prerogatives of the crown, but as an attempt against the dignity of this House, I think myself obliged to give my testimony in the most open manner against it. The sole and supreme command of our armies both by sea and land is, I think, one of the most known, and one of the most necessary prerogatives of the crown. We have been for many years paring down the power of the crown, and many of those parings, I shall grant, were necessary, be-

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cause they were but useless or dangerous excrescences, that had been made to grow up by the art of ministers; but if you cut away from the crown its power over our armies either by sea or land, you cut away that in which its very essence consists; and should you once go this length, I should expect, in a short time, to see the royal dignity voted useless, as the other House was about a century ago.

Now, Sir, I should be glad to know, what more direct, what more effectual method can be taken, for stripping the crown of its power over our armies, than that of our taking into our hands the power of punishing and rewarding our officers and commanders. The next step would certainly be our taking into our hands the power of appointing and preferring them; and then we might, whenever we pleased, vote both the regal dignity, and the House of Lords to be useless incumbrances upon the government of these kingdoms. These, I say, would be the natural consequences of our taking into our hands the power of punishing and rewarding the officers and commanders of our armies; and I submit to the judgment of gentlemen who have a regard for our present happy establishment, whether the motion now before us is not a direct step towards our assuming such a power. If parliamentary enquiries into the conduct and behaviour of our officers, should once be introduced, it would signify nothing to an officer, to approve himself a brave, a prudent, and a faithful servant to his sovereign; if he did not manifest himself to be a ready and obedient servant to a majority, perhaps a republican majority in this House, an enquiry into some part of his conduct would be set on foot, and by the issue of that enquiry, he would find himself dismissed the service, perhaps banished his country. On the other hand, if an officer should be dismissed by his majesty, as a stirrer up of mutiny and sedition, or as a promoter of republican principles, as such an officer would of course be a favourite with such a majority in parliament, an enquiry into the causes of his dismission would certainly be set on foot, and upon that enquiry the king might be obliged, under pain of having no supplies granted, not only to restore such an officer to his commission, but to punish, or, at least, remove those who were the cause of his being dismissed. One example of each of these kinds would entirely change the dependence of the officers, both of our fleets and armies: they would no longer trust to, or depend upon the crown for their commissions or preferment, but upon the House of Commons; and, I am very sure, a House of Commons that would give such a stab as this to the royal dignity, would shew very little regard to it in any other particular: they would take every opportunity to render it contemptible, that when they had rendered it sufficiently contemptible, they might easily lay it aside.

Sir, I know how unacceptable a thing it is to talk against the power of this House, or to say, we have not a power to do whatever we will; but it is certain, that every one of the three branches of our legislature has its proper powers. To the power of the three together no boundary is, or can be set, but by God Almighty; but to the power of each separately, there is, by our constitution, a boundary prescribed; and when any one of the three exceeds that boundary, not only the other two, but the people have reason to complain, because the happiness of the people depends upon the preservation and observance of that boundary. It must be confessed, that this House has several times, of late years, exceeded this boundary: by leaping over all boundaries about a century ago, the members of this House brought most terrible calamities upon the nation, and were, at last, by one of those remarkable turns of Providence, themselves turned out of doors, by the creatures of their own begetting. In Charles the 2d's time, we began again to exceed those boundaries which our constitution has prescribed, I mean in the case of what was then called The Abhorrers; and by so doing, we raised such a spirit among the people against our proceedings, that we found, at last, we durst not venture to enforce an obedience to our own orders; even Magna Charta itself was pleaded against us. In king William's time we likewise began to get a little out of our due limits, with regard to the lords then under prosecution for having advised the Partition Treaty, which produced the famous Kentish Petition, and the Legion Letter and Memorial;* in which Memorial we were accused of "discountenancing the legal prosecution of offenders in the ordinary course of law."

This, Sir, was one of the accusations brought against us at that time; and if we proceed to the enquiry proposed, I very much apprehend, that the same accusa-

* See Vol. 5, p. 1250.

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tion will be brought against us by the people without doors upon this occasion. A court-martial is already ordered to examine into the conduct of all those officers who are accused of any failure in duty, in the action near Toulon. This court-martial will proceed to business, as soon as the proper and necessary witnesses are come home; but if you proceed to an enquiry, this court-martial cannot begin; and if your enquiry should end, as I am persuaded it will, without the discovery of any crime, or the punishment of any criminal, the people will certainly accuse you of having discountenanced the legal prosecution of offenders in the ordinary course of law.

I have said, Sir, that I am persuaded your enquiry will end without the discovery of any crime, or the punishment of any offender. My reasons for being persuaded of this are, because all the necessary witnesses are not yet arrived, nor can arrive before your enquiry must be put an end to by a prorogation; and because, if they were all arrived, it would be impossible for gentlemen, who understand nothing of sea affairs, to determine what is, or what is not criminal, in the conduct of a squadron, or a ship of war. If we give any judgment, the judgment of most of us must be founded upon the authority of those who understand sea affairs; and whatever other gentlemen may do, I shall never, as a judge, condemn a man as a criminal, upon the authority of any other person whatsoever. On the contrary, as every man is to be supposed innocent till he is found to be guilty, I should give my negative to the sentence, unless I were, from my own knowledge and judgment, fully convinced of his being guilty. I from hence foresee, Sir, that upon the enquiry proposed, we must, at least the greatest part of us must, commit an act of injustice, or forfeit our credit with the people. If we condemn any of those officers without being in our own minds, and from our own judgment, convinced of their guilt, we commit an act of injustice: if we acquit them all, we shall be accused of having discountenanced the legal prosecution of offenders in the ordinary course of law. One of these must be the consequence of our entering upon this enquiry; and in either case we shall very much derogate from our dignity, and from that character which we ought to maintain among the people without doors; therefore I wish no such question had been moved, because, I think, it will be dangerous for us either to agree or disagree to the motion.

Mr. *Winnington:*

Sir; a spirit of enquiry seems of late years to have taken the ascendant in the thoughts of several gentlemen of this House, and by this motion it seems still to prevail, notwithstanding the little effect it has hitherto produced. Such a spirit, I shall grant, is often of signal service to a free state, when properly employed, and kept within due bounds; but we should take care not to give way to this spirit when there is no occasion for a parliamentary enquiry, nor to allow it to lead us into an enquiry about matters which cannot come properly under our cognizance, or which we cannot enquire into with any effect. When we do so, we shall always find ourselves disappointed, and that disappointment not only diminishes our authority without doors, but it may give such a check to the spirit, as may prevent an enquiry when it becomes necessary as well as proper.

The enquiry now proposed, Sir, is subject to every one of the objections I have mentioned: there is at present, I think, no occasion for a parliamentary enquiry of any sort: the matters proposed to be enquired into are such as cannot come properly under our cognizance; and they are such as we cannot enquire into with any effect. Besides all this, Sir, it has always been allowed to be dangerous, during the continuance of a war, to enquire into the conduct of it, or into the conduct of any particular expedition; because no such enquiry can be carried on, without discovering some secrets to the enemy, that may be of great service to them in the future prosecution of the war. For my own part, I am not learned enough in sea affairs to point out the secrets that may by this enquiry be discovered to the enemy; but in general I may observe, that we are superior in naval skill as well as naval strength to any of our neighbours: our officers and seamen know better than either the French or Spaniards, how to fight a single ship, as has appeared from many instances even in the present war, and, I hope, our admirals know better how to conduct a squadron. Now, if we enter upon this enquiry, what must be the consequence? A great many of our officers and seamen must be examined at our bar; in that examination they must

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discover and explain all they know touching the methods of fighting a ship, or conducting a squadron. They will certainly do so, in order to justify or condemn the admirals or officers whose conduct we are to enquire into: will not this communicate a great deal of knowledge to the enemy; and will not this knowledge be of great service to them in the future prosecution of the war?

This alone, Sir, ought to be a prevailing argument with us not to enter upon any such enquiry at this time; but besides, Sir, where is the necessity for a parliamentary enquiry? If any of the admirals or officers of that squadron failed in their duty, may not that failure be enquired into, may it not be condignly punished by a court-martial? Can it be said, that the government has been guilty of any neglect or affected delay in this respect? Can it be said, that any court-martial have neglected to do their duty, or that they have partially acquitted, when they ought to have condemned? In either of these cases, Sir, there might be some foundation for proposing a parliamentary enquiry; but that either of these is the case, has not, so far as I have heard, been so much as suggested. I am sure it cannot, with the least shadow of reason, be said, that the government has been guilty of any neglect or affected delay in appointing a trial by a court-martial; because it is well known, that many of those witnesses, who must be examined, are still in the Mediterranean, and must be brought home before any such court-martial can be appointed.

Parliamentary enquiries or prosecutions, Sir, may be brought in aid of the courts at law, when the criminals are too high, or the crimes too extraordinary for them to come at; or they may be made use of when the courts at law have neglected or refused to do justice to the public: but they ought never to be gone into, till there appears to be a failure of justice by any common method. If we depart from this rule, we depart from our dignity, and God only knows how far we may go, how low we may descend. The administration of justice is, properly speaking, none of our province, and unless in the extraordinary cases I have mentioned, I hope I shall never see it usurped by parliament. Such an usurpation would be of the most dangerous consequence to the subject; all inferior courts are under some check: the judges of them must be afraid of oppressing or of doing any apparent injustice: but the High Court of Parliament is above all restraint: no member thereof can ever fear being called to an account for any vote he gives, let the injustice, the oppression of it be never so glaring. Therefore, if we should make a precedent for our interfering in the common course of justice, what innumerable oppressions might not a factious parliament produce? What terrible cruelties might not a minister commit, should he happen to have a majority of both Houses of Parliament under his direction? That we may have a factious parliament, I believe no man who knows any thing of our history, will deny; and that a minister may happen to get a majority of both Houses of Parliament under his direction, the advocates for this motion will not surely deny, because it has been their constant business, for many years past, to raise frightful apprehensions upon this very head. Will they, then, be the authors of a precedent which may be made so bad use of, which in either of these cases may be of the most terrible consequence? This, Sir, is so inconsistent with their former behaviour, that when they reflect seriously upon it, I am persuaded they will agree to withdraw their motion.

But, Sir, if they do insist upon their motion, they will not, surely, insist upon its being put in the very words in which it stands at present. We did not, it is true, meet with all the success that might have been expected in that engagement: this was a disappointment, but it was not a miscarriage; for we succeeded in the principal point, which was that of preventing the combined squadrons from sailing to the coasts of Italy, or carrying any supplies to their armies in that country; and though we did not sink or destroy any of their ships, we disabled some of them, so as to make them unfit for service; and made both squadrons fly for shelter to the first ports of Spain they could come at. To us, therefore, it was a manifest victory, though our victory was not attended with so much loss to the enemy, as might from thence have been expected. The word miscarriage must, for this reason, be allowed to be an improper word, consequently, I hope, the hon. gentlemen, if they insist upon their motion, will agree to amend it, and substitute the word conduct. The effect will be the same; and the motion will, in my opinion, have a more impartial aspect; for by making use of the word miscarriage, we seem to condemn the conduct

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of our admirals before we enter upon the enquiry.

Mr. *Velters Cornwall:*

Sir; however much a spirit of enquiry may seem to prevail among some gentlemen, the majority of us appear to be very little affected with it, though a parliamentary enquiry into every branch of our public conduct was never more necessary, nor more loudly called for by the people, than it has been for several years past. In former ages the complexion of this House might have been depended on as a true representation of the inclinations of the people; but, by whatever magic art it has been brought about, the case is now directly otherwise. The complexion of this assembly is always the same with that of our ministers: we adopt all their measures: we applaud every step of their conduct: we are angry with those they happen to be angry with: we are pleased with those they seem to be pleased with: we enquire when they set us on; and we stop when they say, you have gone far enough. Sir, we have had for many years past a course of most excellent ministers, or this House has, by some magic art, been rendered blind to their failings. I say, some magic art, for if by any art we have been rendered remiss in our duty, it must have been by some art of the devil, permitted by God Almighty, for the punishment of our sins; and if so, I hope he will dispel the enchantment, before we have blindly run ourselves into irrecoverable perdition.

I have often been amazed, Sir, at what I have seen in this House, but I was never more amazed than to see an opposition to such a reasonable, such a necessary motion. When we have so many precedents upon our Journals, of enquiring into the conduct of admirals and other officers, it is really amazing to see gentlemen stand up and gravely tell us, that such an enquiry would now be an encroachment upon the prerogatives of the crown; and that it would be in effect the taking away from the crown its power over our armies both by sea and land. The hon. gentlemen may as well tell us, that our enquiring into the conduct of a minister, or advising his majesty to remove a minister, is a taking from the crown its power over ministers; for some of the gentlemen who oppose this motion, may soon find, by experience, that the crown has as unlimited a power over ministers of state, as it can be supposed to have over our armies either by sea or land. Nay, if this argument were to be admitted, we could enquire into nothing; for there is no crime, no misdemeanour, no offence, but what the crown may, by its prerogative, enquire into and punish; consequently, every parliamentary enquiry must, at this rate, be an encroachment upon the prerogatives of the crown.

What one of the hon. gentlemen meant by paring down the power of the crown, I cannot comprehend: for though we have made many regulations to prevent the abuse of prerogative, we have never abolished any part of it, nor so much as limited any part of it, farther than it was limited by the nature of our constitution; and I must say, Sir, that this is the first time I ever heard that gentleman paring down the power of parliament, in order to increase that of the crown. What may be the reason of this change in his behaviour, I do not know: but the air of a certain office from thence seems to me to be infectious; it seems to be an extraordinary sort of love potion; for it infects all that come near it with a love of arbitrary power; and I must desire that hon. gentleman to take care, that it does not infect him with another distemper, which, from a late stifled enquiry, appears to be pretty rife among the gentlemen of that office; I mean an itch for public money; for if there be ever another enquiry into the conduct of that office, I may venture to prophecy, that it will be more strict than the last, and not so easily stifled; and the famous act for punishing the South Sea Directors, has furnished us with a precedent for punishing gentlemen on account of their not endeavouring to prevent public frauds, which, by the duty of their office, they were obliged to prevent.

That precedent, Sir, however much it may have been ridiculed under the name of 'justice by the lump,' was, I still think, a good precedent: some of those directors were not punished near so severely as they deserved; but none of them met with too severe a punishment: when a gentleman accepts of the direction or any share in the direction of a public office, he becomes answerable to the public for every thing done in that office: his non-attendance, however necessary, can be no excuse for his neglect, because he might have resigned when he found he could not attend so closely as his duty required. This is a right principle: upon this principle we

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proceeded at that time; but if the doctrine now broached had then prevailed, we should neither have enquired into the conduct, nor punished the crimes of those directors, because public frauds, as well as private, may certainly be prosecuted and punished in the king's courts; and consequently, a parliamentary enquiry into them would, according to this doctrine, be an incroachment upon the prerogatives of the crown.

Sir, the hon. gentlemen who now set up this doctrine, are themselves sensible of its extravagant reach; and, therefore, the hon. gentleman who spoke last has endeavoured to qualify it, by saying, that we may enquire when the criminals are too high, or the crimes too extraordinary for our inferior courts to come at; or when our inferior courts have neglected or refused to do justice to the public. If the hon. gentleman had made these the conditions of our prosecuting, he might have had some shadow of reason; but, surely, our enquiring can be subject to no such conditions: for how shall we know who the criminals are, or what the crimes are, till we do enquire? How shall we know whether the inferior courts have done their duty, till we make an enquiry into the offences they have had under their cognizance? A parliamentary enquiry is but a preparatory step towards a prosecution. It is like a grand jury's finding a Bill, or presenting a public offender: if upon the issue of that enquiry, we find reason to suspect that the criminals are too high or the crimes too extraordinary for the inferior courts to come at, we then proceed to prosecution and punishment by impeachment, by bill of attainder, or by bill of pains and penalties; but if we think, that the criminals may be convicted and condignly punished by a prosecution in any inferior court, we conclude our enquiry with an address to his majesty, to order his Attorney-General to prosecute.

What may be the issue of the enquiry now proposed, Sir, no one can pretend to foresee; but, in my opinion, we have great reason to suspect, either that the criminals are too high, or that the crimes are too extraordinary for our inferior courts to come at. Whether any of our admirals or officers concerned in the action near Toulon were criminals, I shall not be so rash as to affirm: but this I will say, that some of them were either remiss in, or very little understood, their duty; and yet, though it is now a twelvemonth since that action happened, none of them have been imprisoned, none of them punished, no enquiry has been made into the cause of that dishonour brought upon the flag of Great Britain. Is there in our whole history an instance parallel to this? The disaster which our fleet, under the lord Torrington, met with the 30th of June, 1690, was, it is true, a greater loss, but it was not so great a dishonour to the nation, because the French fleet at that time, consisted of 70 sail of line of battle ships, and ours of not above 50: whereas in this action near Toulon, our fleet consisted of 40 ships of the line, and the enemy's of not above 30; yet my lord Torrington, who commanded our fleet at that time, was stript of his command, and sent prisoner to the Tower, where he remained till December following, and was then tried by a court martial, of which sir Ralph Delaval, one of the admirals that commanded under him in that engagement, was president. That noble lord was, it is true, acquitted by the court martial; but he was never afterwards employed, and above 40 captains were upon that occasion laid aside; whereas, upon the present occasion, no admiral has been imprisoned, nor above one captain laid aside. I therefore think, Sir, we have great reason to suspect, that some of those officers, whose conduct in this engagement ought to be enquired into, are some way or other out of the reach of any inferior court, and that if we do not, their conduct will never be enquired into.

But, Sir, we have still a stronger reason for enquiring into this affair. Even those gentlemen who oppose this motion, allow that when inferior courts neglect or refuse to do justice to the public, the High Court of Parliament ought then to interpose. Is not this the very case now before us, with regard to some of the inferior officers concerned in that engagement? If common fame speaks truth, some of those officers behaved in a most scandalous manner. Their behaviour has been enquired into, and they have been acquitted, or, at least, not condemned by a court martial, though according to common report, some of them deserved to have been shot for downright cowardice. Here, then, according to the common report, is the very case which the hon. gentlemen themselves allow to be a foundation for a parliamentary enquiry: and we all know, that common report has always been admitted as a sufficient cause for such an enquiry.

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The next objection mentioned by the hon. gentleman who spoke first against this motion, was, that the enquiry now proposed was below the dignity of the House. What, Sir, is it below the dignity of this House to concern itself in any thing that affects the honour of the British flag? But this is not all, Sir, the interest of these kingdoms, the interest of Europe, the liberties of both, were deeply concerned in the event of this engagement. If our admirals and officers had behaved as they ought to have done in this engagement, it would, in all probability, have put an end to the war, and to the ambitious projects of France; for our squadron was so much superior to the combined squadrons, that if both had stood it out, both would have been entirely destroyed, which would have been such a blow to the naval power of France and Spain, that neither could have recovered during the war. This would have put an end to the French commerce, as well as to the Spaniards getting any of their treasure home from America; and at the same time, it would have given great encouragement and security to the navigation and commerce of this nation. On the other hand, if the French squadron had deserted the Spaniards, and left them an easy prey to our squadron, which, I believe, would have been the case, if they had seen our squadron attack with any conduct or vigour, this desertion would have inflamed the court of Spain with so much resentment and indignation, that they would have deserted their friends, the French, and probably would have joined with us against them. In short, Sir, the French ventured so much by sailing out of port, and exposing themselves to be attacked by such a superior squadron of British ships, that one is apt to suppose, they had a previous assurance, that few of our ships would do their duty. This, I say, we have great reason to suppose; and if there was any treachery on our side, surely a parliamentary enquiry must be allowed to be the proper and the only effectual method for bringing such hidden practices to light.

But supposing, Sir, there was no treachery: supposing it true, as is generally reported, that the miscarriage was entirely owing to a confirmed hatred between our two chiefs in command, and that one or the other, or perhaps both of them, were more intent upon tarnishing the glory of his adversary, than upon increasing or preserving the glory of his country: if this was the case, both of them might, and both would certainly take care to conduct themselves with such caution, as to avoid a breach of any article of war, which is the only crime that can be punished by a court-martial. Does not every gentleman see that this may have been the case? And if so, is not this one of those extraordinary crimes that an inferior court cannot come at? Besides, Sir, if this mutual hatred was known, if it was publicly talked of, before these two admirals were sent to command the same squadron, it would be very proper, and even necessary for parliament to enquire who advised his majesty to join them in command; for from two such opposites no hearty concurrence could be expected. The advice was therefore wrong, if not wicked; and surely an enquiry into the authors of this advice, is the proper business of parliament.

As to the objection, Sir, that by one of the fundamental maxims of our government, no man ought to be subjected to two trials for one and the same crime, I wonder to hear it so much as mentioned upon a motion for an enquiry. A parliamentary enquiry is no trial: it is, as I have said, but a preparatory step towards a trial: a grand-jury never find a bill, till they make some enquiry into the facts complained of in the indictment: a grand inquest never make a presentment, till they have made some enquiry into the facts complained of. Was either of these enquiries ever called a trial? In a like manner, we, who are the grand inquest of the nation, never impeach, nor address to have any man tried, till we make some enquiry into the crimes he is accused of. It is true, we are generally more favourable to the persons accused before us than other grand inquests usually are; because upon our enquiry we give the persons accused an opportunity to justify themselves; but this favour does not surely make our enquiry a trial, no more than it would make the enquiry of a grand inquest or grand-jury a trial, should they indulge the persons indicted or accused with the same favour; for if the persons accused do not incline to justify themselves upon the enquiry, they may let it alone, they need not so much as appear, and yet they will have a full opportunity to justify themselves upon the prosecution, which never begins till the enquiry be concluded; and if upon that prosecution the person accused should so justify himself as to be acquitted, it is very certain he could never afterwards be

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tried for the same crime before any court whatever; so that by a parliamentary enquiry no man can be subjected to be twice tried for the same crime.

But if it should be admitted, that no parliamentary enquiry could be set on foot, till after it appeared that the criminal was too high, or the crime too extraordinary, for any inferior court to come at; or till after it appeared that the inferior court had neglected or refused to do justice to the public: men must frequently be tried twice for the same crime, or the most heinous criminals would often escape all punishment; for if no previous parliamentary enquiry be admitted, I know no way by which it could be made appear to us, that the criminal was too high or the crime too extraordinary, for any inferior court to come at, unless by a trial and acquittal before some inferior court; nor do I know how it could be made appear to us, that an inferior court had refused to do justice to the public, unless such court had refused or neglected to pass sentence after a verdict being brought in against the criminal by a jury. According to this doctrine, therefore, there must be a trial before some inferior court, in order to entitle us to set up an enquiry; for as to a neglect or delay in beginning to prosecute, the broachers of this new doctrine have not been pleased to tell us what term or time must elapse before we can be entitled to enquire; and if this term should be left to the determination of ministers, I believe they would extend it to the life of the criminal at least. Now if there must be a trial before some inferior court, to entitle us to enquire, what would our enquiry signify as to the punishment of the criminal, unless we could subject him to a second trial in parliament for the same crime? So that if we admit this doctrine, we must admit, that men must frequently be tried twice for the same crime, or otherwise, that high criminals and extraordinary crimes can never be punished, the absurdity of which is self-evident.

Having said, Sir, that if a man be tried and acquitted upon a parliamentary prosecution, he can never afterwards be tried for the same crime before any court whatever, I must admit, that by such an acquittal, the king would be precluded from afterwards trying such a man by a court-martial; but I cannot admit, that any parliamentary prosecution, and much less an enquiry for this purpose, would be a direct attack upon any of the prerogatives of the crown, or that it would be the cause of any confusion in our armies. In order to shew this, I must consider the prerogatives of the crown with respect to its jurisdictive power; and here I must contradict what was asserted by the hon. gentleman who spoke last. He said, that parliamentary prosecutions and inquiries are brought in aid of the courts at law; whereas, if we speak properly, and so as not to lead people into any mistake, all the law courts in the kingdom are appointed in aid of the parliament's jurisdiction; for all jurisdiction proceeds originally from parliament, and all great causes, both civil and criminal, were originally determined in parliament. But as the exercise of the jurisdictive power would give the parliament too much to do, especially should it be extended to small causes as well as great, therefore, by our constitution, this power has been lodged in the crown; but how has it been lodged, Sir? Certain inferior courts of judicature have been established by law or custom, the judges of those courts are named by the king, and those judges are to proceed according to the known laws and customs of the kingdom: the king cannot establish a new court without an act of parliament, nor can any judge named by him proceed farther than he is warranted by the known laws and customs of the kingdom. Therefore, when any case occurs which is not provided for by the known laws and customs of the kingdom, when a crime is committed, or committed in such a manner, that it cannot be punished, or not adequately, by the known laws and customs of the kingdom, recourse must be had to the fountain of all jurisdiction, the parliament; and if it cannot there be punished by an impeachment, it is punished by a bill of attainder, or a bill of pains and penalties. I say, if it cannot be punished by impeachment, for in prosecutions by impeachment, we must proceed according to the known laws and customs of the kingdom, because the king, who is one of the branches of our legislature, is not a party in the judgment or determination; whereas, in bills of attainder, or bills of pains and penalties, we are under no legal restraint, we are restrained by nothing but the laws of God and nature, because all the branches of our legislature concur.

From hence gentlemen must see, Sir, that no parliamentary prosecution, much less an enquiry, can be an encroachment upon the prerogatives of the crown with

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respect to its jurisdictive power; because that power consists only in appointing the judges of those inferior courts which have been established by law or custom, and in that only. Nay, if we should proceed by impeachment, by bill of attainder, or by bill of pains and penalties, in a case which might be adequately punished by an inferior court, and when we had no reason to suspect, that the criminal would, in that inferior court, meet with too much favour, such proceeding would be no encroachment upon the prerogatives of the crown; but I shall readily grant, it would be very imprudent; because recourse ought never to be had to any extraordinary method, unless when we cannot expect to obtain what is wanted by any usual or ordinary method of proceeding; which may often be the case even where the crime is not extraordinary; for when the criminal is in high favour with the crown, we cannot expect that the judges appointed by the crown will be impartial; and particularly with regard to courts-martial, we may often have cause to suspect, that the criminal will meet with too much favour from his brother officers.

With regard therefore to the question, whether or no we ought to proceed to a parliamentary prosecution, the only previous question we have to consider, is, can public justice be expected by a prosecution before the proper inferior court? The prerogatives of the crown, with respect to its jurisdictive power, have not the least concern either in the principal or previous question; and in order to determine the previous question, a parliamentary enquiry into the nature of the crime and the circumstances of the criminals, as well as the circumstances and complexion of the inferior court before whom they are to be tried, is absolutely necessary. Suppose that, during a long corrupt administration, both our army and navy had been filled with officers, preferred only for their venality, without any regard to their courage or military qualifications, could we in that case expect public justice from courts-martial, against any officer that had betrayed his country by his cowardice or ignorance? Sir, if ever this should happen to be our unfortunate case, it would be necessary for the parliament to proceed in a parliamentary method, even against the lowest criminal of this kind, and to continue this method of proceeding, till they had purged both our army and navy of all those scoundrels that had raised themselves by betraying instead of serving their country.

What we have been frightened with, of a factious parliament, or a parliament at the devotion of a minister, is a mere bugbear, and can be no argument against our carrying our power to its utmost extent, when it becomes necessary. The crown has a certain remedy against a factious parliament, a dissolution; and if the majority of the new parliament should be of the same complexion with the old, it is not a factious but a national majority, which can never be against the court, but when the court persists in some measures or other that are against the interest of the nation. Then as to a parliament at the devotion of a minister, if this should ever happen to be our unfortunate case, and God knows how soon it may, could the public expect justice from any inferior court? The very check, Sir, which the hon. gentlemen say the judges of our inferior courts are under, would be a bar against it; for if any judge should do justice to the public, notwithstanding his having received contrary directions from the minister, he might expect to be prosecuted, and perhaps hanged, by such a parliament. Would such a parliament shew regard to any restraint we may now put upon our power? Can we limit their proceedings by any precedent, by any law we can make? This therefore is no argument for paring down the power of parliament, but it is a strong argument for paring down the power of the crown, so as to prevent any minister's being able to have a parliament at his devotion.

Having thus, Sir, dismissed the three principal objections made use of by the hon. gentleman who spoke first against this motion, I shall next consider his other reasons against it. He told us, that he should always be shy of bringing the conduct of any officer before this House, because popular assemblies rather try the fortune than the conduct of a commander. If he had said, that a mob, or a mobbish assembly, generally do so, I should have joined in his assertion; but I hope he will not say that this House is a mob, or a mobbish assembly; and if he should privately think so, for, I am sure, he is too prudent to declare it publicly, yet still it would be no argument against our enquiring; because, by our enquiry, the utmost an officer can suffer is a censure, or an Address to dismiss him, which his majesty may comply with or no, as he thinks

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fit. By an unjust censure, no man can suffer long, no, not even in his reputation; and an Address to remove him, without any just foundation, his majesty would not certainly comply with. By our enquiry, therefore, no officer can suffer unjustly; and if we should proceed to a parliamentary prosecution, we must have the concurrence of one or both the other branches of our legislature, before any sentence can be passed against him. In this country, as well as in every other, the mob, or the body of the people without doors, always judge of an officer's conduct by his success; but this never was, nor can be the way of judging upon any prosecution or enquiry in parliament; therefore, when an officer has been unfortunate in any enterprize, without having been guilty of any misconduct, the most lucky thing that can befall him, is a parliamentary enquiry; because it vindicates his character from the aspersions of those who judge too rashly of things; and for this reason, when I see the friends of any unfortunate officer endeavouring to evade a parliamentary enquiry, I am apt to suspect, that he is conscious of some egregious misconduct, or of something worse than misconduct. This House is so far from trying the fortune, rather than the conduct of a commander, that we have, before now, vindicated the character of an unfortunate commander, after an enquiry into his conduct; and if we have never made an enquiry into the conduct of a rash, but successful commander, there is a very good reason for it; because it is so difficult to determine what is rash, especially in warlike exploits, that success ought always to be admitted as a full proof against the imputation; for in war, especially, nothing is more true than what a celebrated author merrily says:

"Fortune does the stout *juvare*,
"But lets the timidous miscarry."

The last objection made use of by the same gentleman against this motion, consists in the difficulty he pretends we shall find to understand the language, or to judge of the evidence of such witnesses as may be examined before us. There is, it seems, such a mystery in fighting a ship, or conducting a squadron, that no landman can make himself master of it. This, Sir, is plausible, but, unluckily, it is contradicted by experience. Some of our best and most successful sea commanders were landmen. The famous Blake, and the more famous Monk, were never at sea, unless it was as passengers, till they went out commanders of numerous squadrons; and though this House has several times enquired into the conduct of admirals, as well as into the management of our navy, no gentleman ever found any great difficulty in understanding and judging of the evidence offered by seamen at our bar.

As to the hon. gentleman who spoke last; he, like a true veteran, found out several new arguments against what is now proposed; the first of which was, that old threadbare-one, the danger of discovering our secrets to the enemy. Here, indeed, I must acknowledge the hon. gentleman's ingenuity: he could not pretend any danger of discovering the government's secrets: no minister could have any concern with the conduct of our officers in this engagement, unless we suppose, that some of our officers had private instructions from some of our ministers to let the enemy escape. Therefore, the hon. gentleman most ingeniously found out, that we might discover the secrets of our officers and seamen, who are better at fighting a ship or squadron than those of any of our neighbours. This, I shall grant, is true as to our seamen, but I never knew they had any secrets: if they have any, they are, I believe, like those of our jugglers: when you have discovered their secrets, you cannot practise them: you thereby learn only how you are deceived. The secrets of our seamen are of the same nature: their superiority consists in their being bold, more alert, and more expert in their business, than the seamen of any other country. Suppose our enemies should be let into these secrets, they cannot practise them; they will thereby only learn, how they come to be beat, and this will do us good instead of harm; because it will make them more afraid of us; especially, if by a strict parliamentary enquiry, those officers should be all dismissed, whose cowardice may damp the courage of our sailors; for without intending to derogate from the character of any one officer in our navy, I must observe that our officers are reckoned no better than their neighbours; and therefore, it has become a common observation, that a French ship was never lost by the fault of the officers, nor an English one by the fault of the sailors.

I hope, Sir, the House will be so charitable as to suppose, it is not mere curiosity that makes me so strenuous in support of this motion. My duty to my

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country, my duty to a near and a dear relation, of whom I shall only say, thank God! he did his duty: I say, my duty in both these respects forced me up to second the motion, and the same duty forced me up to answer the trivial objections that have been made against it. In one of these respects my duty is in common with what ought I think to be the duty of every member of this assembly. Though few gentlemen have given their testimony, in the most open manner, in favour of the motion, yet I can perceive it meets with an universal good reception; and I must say, I am surprised how any gentleman that has the least feeling for the honour or glory of his country, can suppose that this motion, or the good reception it seems to meet with, proceeds from curiosity only. But suppose that my duty were no way concerned, I shall admit that I should be extremely curious to know how a squadron of 30 French and Spanish men of war came to escape from a British squadron of 40 men of war, every way superior to them, without so much as having one ship either sunk, destroyed, or taken. Nay, as they retook one of their ships, together with a lieutenant and several brave British sailors on board, it may properly be said, that they took one ship from us, and carried the signs of victory triumphantly to Spain; whereas we had not one prisoner, nor any other sign of victory to show, but retired to Port-Mahon, and left them to pursue their voyage to the ports of Spain.

This leads me, Sir, to the Amendment insinuated by the hon. gentleman who spoke last. He says, we ought to put the word conduct instead of miscarriage; for, says he, there was no miscarriage, because we prevented the enemy's sailing to Italy, or carrying any supplies to their army in that country. He should have first shewed us, that they intended to sail for the coasts of Italy, or that they had on board any supplies for the Spanish army in that country. As to supplies, it is very certain they had none, either on board or along with them, and I think it is as certain, that they did not intend to sail for the coasts of Italy. It would have been ridiculous for them to sail thither, while we had a superior squadron in the Mediterranean; and it would have been as ridiculous to think of supplying their army by a squadron, unless it was superior to ours. While we have a superior squadron there, they can supply their army no way but by single ships, some of which may, every now and then, escape our squadron and our cruizers. They could therefore intend nothing but to get into the ports of Spain near the Straits mouth, in order from thence to infest our trade and protect their own, and to prevent, or at least render it very difficult for us to supply our squadron in the Mediterranean either with stores or clean ships. This they effected without the loss of a single ship, after having been a whole day engaged with a British squadron superior to them in number of ships and weight of metal, and in number of men. Sir, if this was not a miscarriage on our part, nothing but a defeat can be called a miscarriage: nay, it may in some measure be called a defeat; for our design was defeated, theirs succeeded, and they carried some trophies of victory along with them to Spain. Therefore the hon. gentlemen deceive themselves, if they expect that we should either withdraw our motion, or submit to its being amended; for I am, and I hope my hon. friend who made the motion is resolved to have the sense of the House upon both. What other gentlemen may do upon this occasion I do not know; but as to the hon. gentleman who spoke last, when I consider the behaviour of some of his ancestors in a former reign, I must say, I am surprised to hear him oppose such a motion, and therefore I cannot avoid applying to him, 'Nec pater Æneas, 'nec avunculus excitat, Hector.'

Mr. *Pelham:*

Sir; though nothing the hon. gentleman has said in favour of this motion, can induce me in the least to alter my opinion concerning it: though I am still of opinion, that it is very improper for us to enter into the enquiry proposed, yet as the hon. gentleman thinks it a duty incumbent particularly upon him to push for it, and as the House seems to be fond of entering into it, I shall, in complaisance to him and the House, withdraw my opposition; therefore, since a question must be put upon the motion, and, consequently, must appear in our printed Votes as well as Journals, I hope it will appear to have been agreed to *nem. con.*

The House then resolved, *nem. con.* "That it be referred to a Committee to enquire into the Cause of the Miscarriage of his majesty's Fleet in the Action last year near Toulon, in the Mediterranean,

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against the combined fleets of France and Spain."

Complaint in the Commons against Cæsar Ward for printing the Proceedings of the House.] March 8. A Complaint being made to the House, of a printed news-paper, intituled, "The York Courant, printed for Cæsar Ward, bookseller, in Coney-street," and dated "Tuesday, Feb. 26, 1744-5, containing an account of some proceedings of this House, in contempt of the Order, and in breach of the Privilege, of this House; the said printed news-paper was brought up to the table, and several paragraphs, containing the said account, were read. And the House being moved, That the Journal of the House of the 26th of February 1728,* in relation to the Resolutions of the House against giving, in written or printed news-papers, any account or minutes of the Debates or other proceedings of this House, or of any committee thereof, might be read. And the same was read accordingly: Ordered, That the said Cæsar Ward do attend this House upon this day month.

April 5. The House being informed, that Cæsar Ward attended, according to order; he was called in, and the printed paper above-mentioned being shewn to him at the bar, he confessed that he printed the said paper, and expressed his sorrow for his printing therein an account of the proceedings of this House, declaring that he did not know the same to be an offence, and would not have done it if he had, and promising not to be guilty of the like for the future: and then he was directed to withdraw.

The House was moved, That the Journal of the House, of the 26th of February 1728, might be read; and the same was read accordingly.

The House was also moved, that the Journal of the House, of the 3d of March, 1728, in relation to the censure and punishment inflicted by the House upon John Stanly, for writing and dispersing a written news letter, containing an account of some proceedings of this House, might be read: and the same was read accordingly.

A complaint being made to the House, That, in the York Courant, dated Tuesday, March 5, 1744-5, printed for Cæsar Ward, an account is inserted of some proceedings of this House, in contempt of the order, and in breach of the privilege, of this House; the said York Courant, so dated, was brought up to the table, and several paragraphs thereof, containing the said account, were read.

The said Cæsar Ward being again called in, and the said last-mentioned York Courant being shewn to him, he confessed that he printed the same, and expressed his sorrow for so doing, declaring and promising as before: and then he was directed to withdraw. Then the account of the proceedings of this House, contained in the said York Courant, which, upon Friday the 8th of March, was brought up to the table, was read.

Resolved, That the said Cæsar Ward, printer of the York Courant, having printed the proceedings of this House, and of a committee thereof, is guilty of a breach of the privilege of this House.

A motion was made, and the question being put, That the said Cæsar Ward be now brought to the bar of this House, and be, upon his knees, reprimanded by Mr. Speaker for his said offence; the House divided, Yeas 84; Noes 62. So it was resolved in the affirmative.

He was brought in accordingly; and, upon his knees, reprimanded by Mr. Speaker, and discharged, paying his fees.

*Debate in the Commons on the Bill for ascertaining the Qualifications of Justices of the Peace.**] March 13. The House,

* See Vol. 8, p. 682.

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

March 13. A Bill was brought in pretty early in the session by Brampton and Carew, for ascertaining the Qualifications of Justices of the Peace, upon pretence that it was necessary to hinder men of mean estate from acting as such, and that in several counties unqualified persons had crept in. This was by no means agreeable to the Whigs, not only as it seemed to cast a general reproach on those of that party, with whom most of the commissions were filled up, but as they apprehended it would be followed by a further concession, in admitting the Tories into a larger share of that power, which would increase their influence in elections. There were not wanting besides objections of some weight, to the frame of the Bill it-

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according to order, proceeded to take into further consideration the report from the committee of the whole House, to whom the Bill to amend and render more effectual an Act, passed in the 5th year of his present majesty's reign, intituled, 'An Act for the further Qualification of Justices of the Peace,' was re-committed. And the Amendments made by the committee to the said Bill, being read a second time, one of them was disagreed to, and the rest were, with several Amendments to one of them, agreed to by the House.—A Clause was offered to be added to the Bill, "Providing, that where the Qualification required by the Bill consists of rent, it shall be sufficient to insert in the Oath or Notice directed by the Bill, so much of the lands out of which such rent is issuing, as shall be sufficient to answer the value of the said rent." And the said Clause was twice read, and, upon the question put thereupon, agreed to by the House.—A motion was made, and the question being put, that the Bill, with the Amendments, be engrossed; the House divided, Ayes 142; Noes 28. So it was resolved in the affirmative.

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self. Those in power judged it right for the preservation of parliamentary unanimity not to break with the Tories upon this point, if it could be compassed without discontenting their old friends; and pains were taken to prevail with the former to amend such parts of the Bill as were most liable to exception, and to convince the latter, that the thing itself was but a trifle, and could not essentially affect their interests. This occasioned the re-commitment of the Bill, in which the Oath to be taken by the Justice as to his having a clear 100*l.* per annum, and the *onus probandi* upon him, in case of an action, were suffered to stand; but the clause which obliged him if he alienated any part of his first Qualification, to deliver in a register to the clerk of the peace (signed by himself, and properly attested) of the remaining part whereby he claimed a right to act, was omitted, and another inserted in its room, which provided, that he should only deliver in a notice in writing to the informer at or before the time of his pleading, of any lands other than those contained in the said Oath.—Inoffensive, however, as this Bill appeared to the generality, the friends of the late minister imagined they should be able to stir up an opposition to it amongst the old corps. This being the day appointed for the report of the Bill from the committee, after the House had gone through it, and the question was put for the engrossing, lord Doneraile rose and made a speech against the whole of it. He treated it as a mere piece of legislative complaisance—an attempt to give content to one party at the expence of alarming the other; that in one light it was hurtful, as it added trouble to an office already too invidious and burdensome; that in another light, acquiring popularity by passing it, it was a 'mere chip in porridge,' &c. Nugent said a few words for it, and then alderman Heathcote said he was for the question, not because he thought the Bill a very salutary one, but to convince the nation how little gainers they would be by the late change.

The House divided, Ayes 142; Noes 28. The Minority was composed of some of his Royal Highness's servants, lord Bath's and lord Granville's partizans, and three or four of the old corps.—Fazakerly had the chief hand in the management of the Bill, after it was re-committed.

*Debate in the Commons on the Charge of the Dutch Troops and a Vote of Credit.**] March 21. Mr. Fane reported from the

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* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

March 20. In the Committee of Supply the Secretary at War moved, that 40,000*l.* should be granted for the charge of 6,000 Dutch troops that served last year in England and Flanders. The occasion and nature of the expence was this; when this corps was demanded by virtue of the treaties upon the alarm of a French invasion, in order to induce the States to send them with the greater expedition and cheerfulness, we agreed to defray the transportation, and to make up to them whilst they stayed here, the difference between Dutch and English pay; and when they left England the usual douceurs were given to the general officers. This was a better bargain than that made in 1714 during the Rebellion, when we not only took these 6,000 auxiliaries into whole pay, but hired troops to replace them in the Dutch garrisons. It was likewise apparent that the transportation was performed at a much cheaper rate than formerly by general Wentworth. In the summer this same body of men was sent to

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Committee of Supply the following Resolutions: 1. "That 45,005*l.* 9*s.* 10*d.* be granted for freight of transports between the 1st of January and the 31st of Dec. 1744. 2. That 13,345*l.* 7*s.* 7½*d.* be granted for the expence of victuals provided for his majesty's land forces between the 1st of January and the 31st Dec. 1744. 3. That 32,094*l.* 10*s.* 8*d.* be granted for defraying the charge of 6,000 Dutch troops, whilst in Great Britain, in the years 1743 and 1744. 4. That 10,240*l.* 1*s.* 1*d.* be

reinforce the confederate army in Flanders, where they were much wanted, and then Holland insisted (as they were put under Wade's command) that we should make up the difference between Dutch pay to troops in garrison, and troops in the field; and it was by lord Granville's means that they carried this point, which Mr. Pelham opposed in cabinet.

Objections were raised principally to this last article of charge by sir Watkin, Philips, Heathcote, lord Strange: though it was observed by Vyner, that the treaty of 1678 laid the expence of the succour upon the party that furnished it, he therefore was against the whole account.

But notwithstanding the question was divided at the instance of those who agreed to the first part, and disliked the last, yet when it came to be put there was no division.

Then Mr. Pelham moved the Saxon subsidy, (the ratification being at last arrived), which past without opposition, and when that was over he stood up and said, "As he had a motion of consequence to make, he hoped for the indulgence of the House a little longer: that every body must be sensible of the present nice and critical situation of affairs, the great object held forth in all the Votes and Addresses of parliament, with the engagements his majesty lay under on one hand, the circumstances which rendered the execution of them difficult on the other.—He could, however, congratulate the House, that so powerful a prince as the elector of Saxony had put the last hand to the treaty of Warsaw, notwithstanding the important alteration which had happened by the emperor's death since the signing of it, he considered it as a declaration from that prince that a strength sufficient might be raised in the empire to support the common cause. That his majesty had used his endeavours to hire 8,000 men to complete his quota of 40,000, which he agreed with the States to join to the like number of troops in their pay: that though these negociations had not yet proved effectual, there was no reason to think them desperate; but they were not yet brought to a sufficient maturity to be laid before parliament. He intimated that Denmark was the court where his majesty had made an application for troops, that if she gave us a denial his majesty would hire 8,000 Flemings, which, though not so good a measure, might be done at a cheaper rate. He alluded to another great power (which was understood to be Russia,) whose vigorous assistance would in a manner turn the scale, and asked whether we would not enable the crown during the interval of parliament to make advantageous offers to these two powers, or embrace any which should come from them, particularly as he could shew that the sum to be granted for that purpose, would not exceed the Supplies for the current service; that he chose this method, because many gentlemen thought it preferable to leaving a latitude in the Appropriation Clause, as was done last year. He then moved a Vote of Credit for 500,000*l.*

This drew on a debate begun by sir Watkin, and maintained by Philips, Vyner, Heathcote and lord Strange. The first complained of the question being a surprize upon him, and of a want of light into the state of affairs abroad, particularly the dispositions of the Dutch: that he did not object to the thing itself so much as the manner of doing it.

Mr. Pelham then acquainted the House that the Dutch minister had been that very morning with the king, to lay before him a resolution of the States, by which they put their forces under the command of the duke of Cumberland, assisted by marshal Konigsegg: that he thought they could not give a stronger proof of their disposition to act offensively: he said further, that they would contribute their share towards sieges and the other contingents of the campaign.

The debate notwithstanding continued; it turned chiefly on the old objections to Votes of Credit, which needn ot be enlarged upon; such as the danger of putting too great a confidence in ministers, the unparliamentariness of giving money without knowing the terms and nature of the service, that from the zeal and unanimity with which the House had hitherto proceeded in the matter of supply, there was

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granted for defraying the charge of 6,000 Dutch troops, during the time of their continuance in his majesty's service in Flanders, in the year 1744. 5. That 100,000*l.* be granted to make good his majesty's engagements with the king of Poland, as elector of Saxony, pursuant to treaty. 6. That 500,000*l.* be granted on account, to enable his majesty to make good such other treaties as are or shall be made with his majesty's allies, and for other services for the year 1745."

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no room to doubt, that if the king concluded a beneficial treaty, they would enable him to make it good at their next meeting.

Lord Strange said, if we missed the accession of Denmark and Russia for want of giving the sum demanded, he should for ever lament the not giving it, and if the last words "and for other necessary services of the war," were omitted, which he thought left the whole at the absolute disposal of the administration, he would be for the question.

Lyttelton spoke very well in support of Mr. Pelham. He observed, that this Vote of Credit was not liable to the objections which had made former votes of that kind unpopular. This was proposed in a time of war and urgent necessity; those in times of peace when no apparent necessity could be shewn; in this the sum for which credit is given, is limited, and the disposal to be accounted for, in those the administration was at liberty to involve the nation in indefinite expences, and frequently without account. In this Mr. Pelham had pointed out the services for which it was asked, as plainly as it was fit for him to do;—when those were moved, nothing explicit or positive could be drawn out, or collected of the purpose and uses towards which they were to be applied. He observed likewise, that as government was not to be carried on by measures subversive of liberty, so neither was that to be supported by methods which would render government impracticable, and as slavery would be the consequence of the one, so would the other be productive of a foreign yoke, or domestic anarchy. The House divided, Ayes 185; Noes 54.

March 21. The debate was resumed again on the report. Sir Watkin opposed it with more warmth than the day before, and fell into the old strain of talking of redress of grievances, and confining ourselves

The first five Resolutions were agreed to by the House.

The sixth Resolution being read a second time; a motion was made, and the question being put, That the House doth agree with the committee in the said Resolution; the House divided. Yeas 247. Noes 109. So it was resolved in the affirmative.

*Proceedings of the Committee appointed to enquire into the Miscarriages of the British Fleet in the Mediterranean.**]

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to the sea. His seconds were the same he had the day before, with the addition of Bowes. The question was supported by the new courtiers, Doddington, G. Grenville, lord Barrington, T. Gore. The two first said they still thought the steps which had brought us into this war wrong, and that the advisers were responsible to the nation for them; but as France had now declared against us and attacked the Dutch barrier, the war was become our own, and every man ought to be for supporting it. This had been their inducement to concur in the large supplies which had been given hitherto, and if a negative was put upon the present question, it was rendering ineffectual and imperfect all that they had been doing for some months:—that it was so far a more constitutional method of trusting the ministry than what was pursued last year, as it was open to more parliamentary checks and opportunities of debate before it passed, and so far safer, as to give them a power over 7 millions was far more extensive than to give it them over 500,000*l.* The House divided, Ayes 242; Noes 109.

* The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

March 12. As soon as the House had resolved itself into the Committee of Enquiry into the Miscarriage of the Fleet in the Mediterranean, sir John Philips proposed that pursuant to the order of the House, admiral Matthews should begin with giving an account of the Action and the behaviour of his officers, that if he charged any persons, they might be called in to hear the evidence against them, and make their defence, if he did not, the papers* on the table, which contained a

* The Papers and Letters relating to the Action, which passed between Matthews and the Secretary of State.

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March 12. The order of the day being read, for the House to resolve itself into a Committee of the whole House, to inquire into the cause of the Miscarriage of his Majesty's Fleet in the Action last year near Toulon, in the Mediterranean, against the combined fleets of France and Spain; Ordered, that the serjeant at arms attending this House do go with the mace into Westminster-hall, the Court of Requests, and the places adjacent, and summon the members there to attend the service of the

charge of a very high nature, must be read.

The Admiral declared, in answer, that when all his witnesses were arrived, he was ready to make good every part of his charge against Lestock; he then gave a succinct verbal account of the engagement; the reason he assigned for bearing down upon the Spanish squadron before his line was formed in good order of battle, was that he plainly perceived the enemy by the manner of working their ships were sensible of our superiority, and meant to draw him down the Streights, in hopes of meeting the reinforcement from Brest, which he had intelligence they were in daily expectation of, and that he found himself under a necessity of seizing that opportunity, or not fighting at all. For other particulars he referred himself to his Letters on the table.

Then followed his Examination by the members. I shall put down some of the principal Questions that were asked him, with his Answers, as well as I can recollect them.

Q. Were any other of your officers guilty of misbehaviour besides the vice admiral?—A. Lestock complained of two, Purvis and Drummond, who were acquitted: I had a complaint against a third (Norris of the Essex), which was judged to proceed from a quarrel between him and his lieutenant; but a court martial is since ordered to sit upon him at his own request. Against any other I received no complaint.

Q. Did the four captains astern of you do their duty, and who were they?—A. I reprimanded them for fighting at too great a distance, upon the general report that they did not bear down near enough; for as I was in the smoke and fire I could not well distinguish how they behaved. Their names were the Dorsetshire, capt. Burrish; the Essex, Norris; the Rupert, Ambrose; the Royal Oak, Williams.

Q. Did you send any particular orders during the action to any of those ships; what answer was returned; and how were those orders obeyed?—A. When I was obliged to lie by to splice my rigging, I sent my lieutenant aboard the Dorsetshire to bid her go down and succour the Marlborough; I take it for granted (though I cannot charge my memory with it) that his answer was, he would obey, I believe he did accordingly bear down, but not so near as he might.

Q. Did not Lestock's complaint in his rejoinder to your queries put you upon making a more particular enquiry into the conduct of these four captains?—A. Mr. Lestock, who was in a much better situation to have observed their conduct, ought to have accused them in form.

Q. Could not these four ships have intercepted the four Spanish which did not come up till the close of the evening?—A. The vice admiral could have stopped them, but as to his own four ships, thinks they could not have done it, unless they had broke the line to chase, which was against rule.

It appeared through the whole course of this Examination, that Mr. Matthews was inclined to discharge his own division of as much of the blame as he could, and to lay the whole upon Lestock's. Of the four captains he spoke with great reserve and tenderness; said they were young men,* had never been in line of battle before, would do better another time, that Norris had distinguished himself on other occasions, as burning the Spanish gallies at St. Tropez. To some queries which pressed him a good deal, he returned, as far as I could observe, very evasive answers.

Upon a motion of Vernon's, that Lestock should be called in, a debate arose, whether this was the proper time. Lord Granard and lord G. Graham, who appeared as advocates for Matthews, were for calling in a captain who was stationed with the line to repeat signals. Mr. Pelham and H. W. joined with them in it; the former said, he thought the vice admiral ought in justice to be heard, but if he was brought in now to the bar, the enquiry might run too much into a personal contest between the two admirals instead of continuing upon the general footing which was at first proposed. Sir Watkin, Lyttelton, and Grenville, were for the imme-

* Williams was said to be 70 or upwards.

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House. And he went accordingly. And he being returned;

Ordered, That the several papers presented to this House, relating to the said action, be referred to the said committee.

Then the House resolved itself into the said committee: Mr. Cornwall in the chair.

Mr. Speaker having resumed the chair, it was resolved, That this House will, upon

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diate calling in of Lestock, that it fell in course to his turn to be heard after the Admiral, that upon what fell from him, we should ground Queries for the other gentlemen who attended without to be examined. Sir W. Yonge desired the committee to recollect, that Lestock was shortly to be tried for his life, and therefore if he was now to make his appearance, he hoped no questions would be put to him tending either to his condemnation or acquittal, and that no one would take it amiss, if he happened to ask him any such, that the sense of the committee was previously taken upon it.

Then Lestock was called in, and being lame of the gout, a chair was set for him at the bar. Mr. Cornwall, the chairman, acquainted him by direction, that it was not expected he should answer any questions by which he might be made to accuse himself; but that he was sent for to give the best information he could of the action, and of the conduct of particular officers. He begged leave to deliver what he had to say in writing, and produced a Paper which was brought up to the table and read by the clerk. It was a clear and well digested Narrative (since printed) of the proceedings of the fleet, from their unmooring out of Hieres bay, to the discontinuing chase, and seemed to make a considerable impression on the House. Some of the questions put to him afterwards were these.

Q. Did the four ships astern of the Admiral do their duty according to your observation, and could the Admiral in your judgment discern their motions?—A. No, they did not, I had a full view of them; the Admiral sent to the Dorsetshire, but she did not beard own as she was ordered; when he was out of the line, he must see what they were doing, as the wind blew the smoke from him upon the enemy. I think their inaction was the cause of the Marlborough's being torn to pieces.

Q. Could the four ships astern have stopt the four Spanish astern from coming up to assist the Real?—A. No doubt they could.

Q. Could the French have been up time enough to secure the retreat of the Spaniards if the centre had behaved well?—A. I think not, there were only 5 Spanish ships engaged for upwards of three hours with 11 of ours, 2 were gone off to the French, and 4 did not come up till night.

Q. When the Admiral made you the signal to leave off chase Feb. 13th in the morning, had you the combined fleet in view?—A. I had the weather gage and gained upon them considerably. I counted 8 ships from the quarter deck, my people at the mast head told 20: we were within four leagues of them.

Q. Did the Admiral give you any reason for calling you off, or do you know of any?—A. None at all.

Q. Were not several of our ships disabled?—A. None appeared so to me.

Q. Suppose there were, would not the wounded masts have been less strained by chasing before the wind, than plying to windward?—A. Yes.

Then Mr. Lestock, who upon his examination shewed both coolness and capacity, was ordered to withdraw, and the committee adjourned.

March 14. Enquiry continued.

The House being in the Committee of Enquiry, lord Granard made some remarks on Lestock's Narrative, tending to shew, that what he had advanced in it from his own observation, concerning the behaviour of the headmost ships of the admiral's division, could not be true, because his situation would not allow him to be a judge of their conduct; and also that some particulars in the Narrative were inconsistent with his evidence at the bar. Upon this a motion was made, that Lestock should be called in again, but a debate arose, whether he ought not first to be sworn. It was urged by Gybbon, lord Limerick, and sir G. Oxenden, that as the House had empowered the Committee to examine in the most solemn manner, they could not dispense with any person's being sworn, and that it was agreeable to the practice of all secret and select committees, where that power had been exercised, to re-examine persons upon oath, whose testimony had been taken before not upon oath. But it was observed by Mr. Pelham, Winnington, sir J. Cotton, sir H. Lyddel, that the words of the Order that "the Committee

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Thursday next, resolve itself into a committee of the whole House, to proceed further in this enquiry.

March 13. A motion being made, and the question being proposed, That the Committee of the whole House, to whom it is referred to proceed further in the Enquiry into the cause of the Miscarriage of his majesty's Fleet in the Action last year near Toulon, in the Mediterranean, against

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have power to examine," &c. plainly left them at liberty to dispense with the oath where they judged it improper to be required, and that it was so in the vice admiral's case could not be denied, for what could be more severe and absurd than to send for him to confirm upon oath a Narrative and evidence given in without? Indeed, if he was interrogated upon any new matter not affecting himself, then it was right he should be sworn.

On this footing Mr. Lestock was called in a second time; what passed between him and lord Granard was but indifferently understood by those unversed in naval language and criticism: Lestock said, he had plans which would clear up the whole matter, and he offered to prepare copies of them for the Committee against Tuesday, which was agreed to. When he withdrew, lieutenant Cornwall was called in, the substance of whose evidence was this: He was 1st lieutenant in the Marlbro', under his uncle captain Cornwall; he heard a conversation between the admiral and captain, the morning of the action, out of their respective galleries, in which the former complained of the vice admiral's being so far astern; that it was his (the witness's) opinion, that at that time the vice admiral did not make all the sail he could, and further that if Mr. Matthews had not begun the fight by bearing down in the manner he did upon the Real, he might not have had it in his power to engage at all. As to what passed during the engagement, he could say little to it upon his own knowledge, having taken no minutes, being employed in the business of his own ship and wounded before it ceased; that he believed the broadside which killed his uncle and carried off his arm, came from the Hercules (a Spanish ship), whose fire the Dorset should have taken off, had she been in her station; that he would not be understood to accuse any body, but he thought if the four ships astern had behaved well, the Spanish squadron must have been destroyed. He never heard any thinking persons, and he conversed with no other, blame the admiral for leaving the Marlbro' too soon; on the contrary, every body commended his gallant behaviour.

March 19. Enquiry continued.

The first witness called in was captain Montague. He was 2nd lieutenant of the Buckingham (a ship of Lestock's division); the night before the action, the vice admiral brought to at a great distance to windward, out of his station and the line of battle, the signal for which had been kept flying all day; thinks he should have closed the line, before he complied with the signal for bringing to. The next morning, when the admiral made the signal for more sail, thinks Mr. Lestock did not make all he could, particularly his lower scudding sails were not set. As to the four sternmost ships of Matthews's division, is of opinion they did not bear down equally with the admiral, but did not make it his business to look at them: can say nothing positively as to the probability of coming up with the enemy when they left off chase.

Mr. *Nucella*. He was 2nd lieutenant of the Marlbro', and fought her after the captain's death: was in constant employment aboard his own ship, so can say little. As to the action in general, should have deserved to be hanged had he behaved like the Dorsetshire.

Captain *Cole*. Commanded the marines aboard the Dorset: Burrish obliged them to fire at 400 yards distance 12 rounds, against his remonstrances: after the admiral had sent his lieutenant aboard with orders for the Dorsetshire to bear down and succour the Marlbro', Burrish held a council with his lieutenants, in which it was resolved not to obey, for this reason, that the three captains astern were such cowards that they would suffer him to be taken when the four Spanish ships came up.—The Dorset had warm work for ten minutes when the admiral tacked.

Captain *Marsh*. Was appointed by the admiral (in the Winchelsea) to repeat the signals. Thinks it morally impossible for the admiral to have distinguished whether the vice admiral brought to at a proper distance, the night not being fine enough. Agrees with the other evidence as to the behaviour of the four captains astern; observed that the vice admiral did not take the shortest course to the assistance of the admiral; I forget whether this gentleman was asked about the chase,

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the combined fleets of France and Spain, have power to examine, in the most solemn manner, such persons as the said committee shall think proper to examine upon the subject-matter of their Enquiry; the House was moved, That the Journal of the House of the 3d of March 1734, in relation to the order then made, for em-

Mr. Lestock presented his Views of the Action, which were brought up to the table, not as evidence, but as annexed to and explanatory of his Narrative.

March 22. Enquiry continued.

Captain *Powlet* of the Oxford. Lestock during the action steered above a mile more to windward than he ought to have done; that he did not carry all the sail he could, for he reeved his topsails for two hours; and that any part of his squadron a-head could have stopped the four sternmost Spanish ships; owned the admiral did not hold councils of war, but thought it discretionary.

Commodore *Long*. An old experienced officer who had been in the service ever since 1702. He appeared a determined witness on the side of Matthews, and to questions which, if plainly answered, would have reflected on him, it was with great difficulty any thing explicit could be drawn from him. By this disingenuous behaviour of his at the bar, the Committee was much offended. The purport of his evidence was, that the night before the battle, Lestock brought to at the distance of five miles astern of the admiral: that he apprehends it is the constant practice for commanders not to bring to, though the signal for it is out, till they are in their station, and that it was particularly Mr. Lestock's duty to get up as near the admiral as he could, because an action was expected. The practice the same in anchoring; no ship anchors till she finds a proper birth: that the night was not too dark for the admiral to see whether he had brought to properly, and that a boat might have gone to him:—that in his judgment Mr. Lestock must have been up with the center, if he had not halled upon a wind about 4 o'clock. Being asked if the French had not tacked at that time, said they had. Thinks we should have chased the first night, might have come up with the enemy then, uncertain afterwards, they having the start of us, and the difference being great between foul and clean ships. Before he left the bar, he owned that he knew no reason for the admiral's leaving off chase the 13th in the morning, and that it is probable we should have taken the lame ships had we continued it.

March 26th.

Cockburn, 1st lieutenant of the Neptune. His Narrative exactly conformable to Lestock's; upon his examination he said, that the vice admiral brought to within two miles of the admiral, and was rather nearest to the enemy, but had he been farther off, he apprehends according to the printed rules must be instantly obeyed: the distance they were at in the morning must be occasioned by the indraught from the bay: does not know that any care was taken to set the admiral's lights the evening before in order to keep their station: not upon the night watch himself. Did not shorten sail till the admiral made the signal upon the French tacking. The vice admiral was much surprized when the signal was made for his leaving off chase; and cried out once or twice, "surely it cannot be to us," but was forced soon after to repeat it. The boatswain of the fire ship was next called in, and gave an account of her blowing up near the Real; in going down, they desired the captain of the Dorset to cover them, who replied, he could not do it then, as he had no powder filled.

March 28.

Captain *West* of the Warwick gave an account of the behaviour of the rear admiral's division. The 4 ships in the van, Stirling Castle, Warwick, Nassau, Chatham, kept their wind to prevent the French from weathering them. Chichester and Boyne fired at a distance, Barfleur and Princess Caroline engaged within pistol shot, Berwick fought the Poder, the French had 16 ships to our 9, besides 2 of the Spanish which went to them, and could have raked us fore and aft, and done us a great deal of damage when they tacked to assist the Spaniards, but they ranged close under our sterns, without firing a shot. The 13th in the morning our fleet was in good order, and, upon the whole, superior to the enemy, though several of the ships were damaged. Different opinions in the fleet as to leaving off chase. Common report went much to the disadvantage of the 4 sternmost ships, particularly for not assisting the Marlbro'! Saw no more of Mr. Lestock and his division during the action and the evening which

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powering the committee of the whole House, to whose consideration the Petition of the inn-holders and alehouse-keepers of the city of York was referred, to examine, in the most solemn manner, such persons as they should think proper to examine upon the subject-matter of the said Petition, might be read. And the same being read accordingly;

Ordered, That the committee of the

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preceded it, than if they had not been there. All the officers with whom he had conversed, except capt. Stepney, blamed the vice admiral's conduct in not coming up sooner and intercepting the 4 Spanish ships. Being asked his opinion as to the discretionary power which inferior flags and commanders might use in particular emergencies for the good of the service, seemed to make large allowances for the exercise of it. The House agreed to hear no more narratives. The other Witnesses examined that day were lieut. Moody, lieut. Dorrel of the Royal Oak, who said they shortened sail because the other 3 ships did not bear down equally with them: Jo. Longden and lieut. Gwyn as to the behaviour of the Somerset, which fought the Poder, the Neptune and the Hercules. The latter heard captain Williams confess he deserved punishment for his misconduct in the action. Captain Berkley of the Revenge gave a very unsatisfactory and unintelligible evidence. He confirmed, in general, what has been already set down in regard to Lestock, but it was with difficulty he could be brought to confess, that had we continued chase, the crippled ships must have fallen into our hands, unless the combined fleet had stayed to protect them.

April 2. Enquiry continued.

Lieut. Clarke, Burges a midshipman, Philips, and Peacock, all belonging to the Neptune, were evidences for Lestock. The substance of what they swore was, that he brought to the 10th in the evening near abreast of the admiral, and between two or three miles distance from the center: that he made sail at break of day to recover his station, some hours before the admiral made the signal to crowd more sail; that he did not shorten sail all day except to shift his scudding sails; that he endeavoured to bring one of the sternmost Spanish ships to engage by firing a broadside at her, but to no purpose, for she sheered off, and that all that Lestock could have done was to get into her wake. They confirmed what Lestock represents to have passed in conversation between the vice admiral and the admiral's two lieutenants who came aboard him in the morning. Vide his Narrative.

Griffith, master of the Cambridge, swore that the admiral brought to at 4 miles distance; that he reeved about 9 in the morning to 11, upon which most of his division did the same. His captain (Drummond) would have gone down to assist the Marlbro' had Lestock made him a signal.

Captain *Towry* of the Buckingham (Lestock's division). As to the distance over night, agrees with Griffiths, and as to the making sail in the morning, saw the vice admiral's topsails lowered in order to reeve, upon which the rest reeved: thinks had chase been continued, we might possibly have come up with the crippled ships, but that it was more expedient to refit than chase, because many of our masts were wounded, and a hard gale might have carried them away; being asked whether notwithstanding we had ships hurt, the English fleet was not still superior to the combined, does not answer positively to that, but says we were certainly equal. Says the reason for not chasing in the night after the engagement was, that we might not engage; but allows we might have avoided that, by having cruizers a head, and that if we had stood under an easy sail, we might have neared them in the morning. When he withdrew it was agreed to examine witnesses only to the behaviour of the ships a-head of Matthews, and of Rowley's squadron, and that the 2 admirals might, if they desired it, be heard in their own justification before the enquiry was closed.

April 4. Enquiry continued.

Captain Powlet having desired that the evidence he had given about reeving the topsails, which the officers of the Neptune had contradicted, might be further proved, two more witnesses were called to that point, one of whom, lieut. Fortesque of the Oxford, swore he saw the Neptune sailing under reeved topsails, the other only saw the men upon the yards, which he inferred was in order to reeve. Captain Sclater of the Somerset gave an account of his own behaviour, that he engaged the Neptune and Poder, and obliged the former to quit

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whole House, to whom it is referred to proceed further in the Enquiry into the cause of the Miscarriage of his majesty's Fleet in the Action last year near Toulon, in the Mediterranean, against the combined fleets of France and Spain, have power to examine, in the most solemn manner, such persons as the said committee shall think proper to examine upon the subject-matter of their Enquiry.

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the line: the same was averred by the Princess's lieutenant Harland. The lieuts. Moody, Powell, Spencer and capt. Osborn of the Salisbury were examined as to the rear admiral's division. It appeared in general from their testimony, that it was ill formed, and greatly inferior to the French van; that the Chichester and Boyne, who should have seconded the rear admiral, threw away most of their shot, and did not bear down equally with him, and that when the French tacked, we stood from them in disorder. All the witnesses of whom the question was asked, agreed that Mr. Matthews never held councils of war, nor exercised the fleet.

The Evidence was closed.

Mr. *Fox*. The examination being now gone through, takes leave to make some remarks on the admiral's conduct with regard to Lestock, which arise from the papers on your table; should not have done it, if they had not occurred to other gentlemen as well as himself.—The admiral at liberty to answer them or not; would not do any thing by surprize. Two points seem blamable in it; 1st, the sending Lestock home without a charge (for the Queries and Reply cannot properly be called one,) and without a single witness to support it; 2ndly, though he arrived here in September, and must know that Mr. Lestock was pressing day and night for his trial, yet, when Mr. Corbett, by direction of the Admiralty, writ to him for a charge and a list of his witnesses, he let seven weeks elapse before he answered their letter; and when he writ, excused the delay by a pretence that his papers were mislaid.—An odd excuse for one who had been so eager to raise a clamour against the vice admiral, to lay the whole odium upon him, when others were equally guilty, and to exercise the highest act of authority over a man grown decrepit in the service; hopes he has shewn his impartiality through the course of the enquiry, and is open to conviction when Matthews can make his conduct appear consistent with justice and humanity.

Admiral *Matthews*. For an impartial speech, thinks Fox's the severest he ever heard. Appeals to the House whether the facts contained in the Queries, &c. are not a charge. Could not send home immediately so great a number of witnesses without prejudice to the service, but desired his majesty's leave to return that he might be at liberty to make his accusation good, and put himself on his trial: had the honour to receive the king's approbation, and was desired to continue in the command. As to not answering Corbett's letter sooner, the fact was true, that he could not send the names of his witnesses, till his papers arrived, which came by sea. His charge was in the secretary's office: but he answered it the next post, could not have been sent aboard the three ships which came home in November.

Vernon talked of his friendship for both the admirals, and acquainted the Committee that Mr. Lestock desired to be heard again.

April 9th. In the Committee of Enquiry.

The Letters laid before the House from the secretary's office, relating to a misunderstanding between the two admirals, were read by the clerk. They contained no formal complaint on the part of Mr. Matthews against Lestock, but from several passages it was easy to collect, that there was not the most perfect harmony between them during the whole time of the former's command of the fleet. The admiral says, in a letter dated in June 1742, soon after his arrival in the Mediterranean: "It is my opinion, good service might have been done at Toulon, if Mr. Lestock had not appeared before it with his squadron; but, from the first hour of his arrival on the coast, they have been hard at work in erecting new batteries, &c." He observes, likewise, that in his passage he had not met with one cruiser out from Barcelona to Cape ——. In a letter of July 1743, upon the duke of Newcastle's having writ to him, that there had been some consultation here about a proper person to succeed him, he answers, "that he had already given lord Carteret and lord Winchelsea his opinion of Mr. Lestock before he left England, to which he refers, and shall now only state one fact, viz. that the vice admiral is grown quite decrepit with the gout, scarce ever able to stir out of

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April 9. The other order of the day being read, for the House to resolve itself into a committee of the whole House, to proceed further in the Enquiry into the cause of the Miscarriage of his majesty's Fleet in the Action last year near Toulon, in the Mediterranean, against the combined fleets of France and Spain: Ordered, That the several papers yesterday presented to the House by Mr. Comptroller, pursuant to their Address to his majesty, be referred to the said committee.—Then the House resolved itself into the said committee.

April 10. Mr. Cornwall, according to order, reported from the committee of the whole House, to whom it was referred to proceed further in the Enquiry into the cause of the Miscarriage of his majesty's Fleet in the Action last year near Toulon, in the Mediterranean, against the combined fleets of France and Spain, the Resolutions, which the committee had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as followeth; viz.

Resolved, 1. "That it is the opinion of this committee, that his majesty's fleet in the Mediterranean, at the time of the engagement last year near Toulon, was superior in force to the combined fleets of France and Spain.

2. "That the Miscarriage in that action reflects on the honour of his majesty's arms, and was highly detrimental to the common cause, and to the interest of these kingdoms.

3. "That there is reason to apprehend, from the evidence laid before the committee, that the said Miscarriage was owing to a misconduct and misbehaviour in some of the commanders and officers of his majesty's fleet in the Mediterranean."

The said Resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed to by the House.

Resolved, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, copies of all letters and papers transmitted to the commissioners for executing the office of lord high admiral, relating to the court martial lately held in the Mediterranean, to enquire into the conduct of captain Richard Norris; and all proceedings relating thereunto."

April 11. Mr. Cornwall, according to order, reported from the committee of the whole House, to whom it was referred to proceed further in the Enquiry into the cause of the Miscarriage of his majesty's Fleet in the Action last year near Toulon, in the Mediterranean, against the combined

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his bed, consequently incapable of going through the fatigue of so great a command." He writes in one letter, (in January 1744,) that he had much ado to prevail with some of his spies ashore, to send their intelligence to Lestock, though he promised their names should not be known by him, and that he was forced to leave a person ashore whom they confided in to carry on the correspondence during his absence. After these Letters had been read, Mr. Lestock was directed to be called in: the committee being acquainted that he desired to be heard; but it was agreed upon, that though he should be permitted to say what he pleased for himself, no more questions should be put to him. He then made his appearance at the bar and read a Paper, which he stiled his Recapitulation, of which, as it is in print, I need say no more than that it was favourably received, and contains a great many solid and pertinent remarks both in the way of defence and recrimination.

When he withdrew Mr. Matthews got up. He assured the Committee he did not mean to offer any affront to Mr. Lestock, when he came aboard him the 10th of February, that what he said of its being very cold proceeded out of a pure regard to the vice admiral's ill state of health, that he also directed him to keep to windward of the enemy, who were then come out. He repeated what he said before, that the French played with him, and that he was obliged to come to action in the manner he did, or run the risk of seeing the combined fleet escape. As to the chase, he said, the first night after the action was employed in fishing the masts, &c. repairing the rigging, that he made sail the next day, but the enemy went three foot to his one; that he received intelligence from different parts of the Brest squadron's being sent into the Mediterranean; and therefore he thought it his duty to keep the king's fleet as entire as he could: that perhaps they might have destroyed his best sailers, before the heavy ones and those whose masts were hurt could get up.

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fleets of France and Spain, that he was directed by the committee to move the House, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that Courts Martial may be held, in the most speedy and solemn manner, to enquire into the conduct of admiral Matthews, vice admiral Lestock, captain Burrish, captain Richard Norris, captain Williams, captain Ambrose, captain Frogmore, captain Dilk, and the lieutenants at that time on board the Dorsetshire, in, and relating to, the late engagement between his majesty's fleet and the combined fleets of France and Spain, off Toulon, and of all other officers who are, or shall be, charged with any misconduct in that action, and to try them for the same; and that his majesty would be pleased to appoint a proper person or persons to collect all the evidence necessary for the trials of the said several commanders and officers, and to prosecute them effectually, in order to bring those to condign punishment, through whose misconduct it shall be found that such discredit has been brought upon his majesty's arms, the honour of the nation sacrificed, and such an opportunity lost of doing the most important service to the common cause." And Mr. Cornwall moved the House accordingly.

Amendments were proposed to be made to the question, by leaving out the words "and of the lieutenants at that time on board the Dorsetshire," and inserting, after the word "Toulon," these words, "and of the lieutenants of his majesty's ship the Dorsetshire, then on board." And the question being put, That the words "and the lieutenants at that time on board the Dorsetshire," stand part of the question; it passed in the negative.

And the question being put, that, after the word "Toulon," the words "and of the lieutenants of his majesty's ship the Dorsetshire, then on board," be inserted; it was resolved in the affirmative.

Then the question, so amended, being put;

Resolved, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that Courts Martial may be held, in the most speedy and solemn manner, to enquire into the conduct of admiral Matthews, vice admiral Lestock, captain Burrish, captain Richard Norris, captain Williams, captain Ambrose, captain Frogmore, captain Dilk, in and relating to, the late engagement between his majesty's fleet and the combined fleets of France and Spain, off Toulon, and of the lieutenants of his majesty's ship the Dorsetshire, then aboard, and of all other officers who are, or shall be, charged with any misconduct in that action, and to try them for the same; and that his majesty would be pleased to appoint a proper person or persons to collect all the evidence necessary for the trials of the said several commanders and officers, and to prosecute them effectually, in order to bring those to condign punishment, through whose misconduct it shall be found that such discredit has been brought upon his majesty's arms, the honour of the nation sacrificed, and such an opportunity lost of doing the most important service to the common cause."

Ordered, 1. That the said Address be presented to his majesty by the whole House. 2. That the Resolutions, yesterday reported from the said committee, and then agreed to by the House, be humbly laid before his majesty, at the same time that the said Address shall be presented to his majesty.

*Debate in the Commons on the Address for Courts-Martial on Matthews, Lestock, &c.**] April 9. Upon the motion made in the Committee for the preceding Resolutions, the following Debate took place :†

* From the Gentleman's Magazine.

† The following is from the MS. PARLIAMENTARY JOURNAL of the Hon. PHILIP YORKE.

April 9. In the Committee of Enquiry.

G. Grenville compliments the Committee on the impartiality and attention with which they have gone through this long evidence, that a regard to truth and justice alone has prevailed through the Enquiry, neither favour nor prejudice to persons;—wishes the example and influence of a prince of the blood may bring back spirit and conduct to our armies abroad, and the terror and consequences of this Enquiry restore discipline and courage to the fleet. Has three Resolutions to offer, as general conclusions upon what they have heard at the bar. If the Committee think fit to agree to them, shall be for appointing a select one to draw up a state of the evidence from the Minutes, with an Address to the king that such persons as the House shall please to name,

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Mr. *Nugent*;

Sir; though I doubt not but there are many whose extensive views, both of the causes and consequences of the late miscarriage, must enable them to set before the House in a more affecting manner the errors which preceded it, and the evils which with great reason may be expected to follow it, and whose long acquaintance with parliamentary proceedings must qualify them, in a particular manner, to pro-

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may be tried in the strictest manner. Moves the three Resolutions about the miscarriage.

Mr. *Fox*. Dislikes a Representation, very difficult to state the evidence exactly, considering the manner it has been taken in, the several examinations not read over to the persons before they left the bar. Has another reason much stronger; every body must have observed that the witnesses were ready to say any thing to the prejudice of one side (Lestock's), very averse to confess any thing that made against the other, (Matthews:) hopes this false notion of honour will not influence them, when they appear before a court-martial, and that they will behave more ingenuously than they did here; fears if their evidence is printed, they will think themselves tied down by it at all events. This has great weight with him; is for a general Address to desire courts-martial may be held on such persons by name as they, (the Committee) shall judge most blame-worthy.

Mr. *Pelham*. Has attended impartially to the evidence, is ripe for these Resolutions, which are undeniably true; not ripe yet for personal censures. Differs with Fox throughout, in part with Grenville, is against naming particulars, shall feel an uneasiness when he comes to that; afraid it may be attended with ill effects, to censure unless we undertake to make out a charge against them. Is for drawing up a Representation, and concluding with a request to the crown, that such persons as appear culpable by the evidence may be tried. Believes the design of every gentleman will be answered by this method, and the inconveniences of putting personal questions avoided.

Mr. *Winnington*. Gets up with diffidence: a trial is ordered for the vice admiral; believes the admiral will desire to be tried. Sees no reason to name either of them, but is not against naming the captains. Is against printing the evidence for Fox's reasons. It will take up much time to do with exactness, and the session draws near a conclusion.

Several others spoke, as Nugent before Grenville, who talked of impeachments and bills of penalties, Bowes who was for an extraordinary commission to try the offenders, Philips, Lyttleton and Ellis, but nothing further was opened as to the method of proceeding. So it was agreed to vote the three Resolutions, and refer the consideration of what remained to be done till next day.

I will just observe here, that as to one controverted point, the reeving the Neptune's topsails, admiral Matthews told a friend of mine (and he would have done right to have said it in the House,) that whether Mr. Lestock reeved or no at that time was no part of the charge against him, for it blew a squall then, and he believed he might do the same. What I am apt to imagine is, that the vice admiral apprehending a squall was coming on, ordered men to go up, to lower the topsails, but it passing over, they came down again without reeving. If I mistake not, lieutenant Fortesque was the only man who swore positively, that he saw the Neptune sailing under reeved topsails.

April 10. In the Committee of Enquiry.

I did not come in till Mr. Fox (whose behaviour throughout this enquiry did him great credit) had moved the Resolution for an Address to the king to direct courts-martial to be held upon the two admirals, six of the captains, the four lieutenants of the Dorsetshire, and any others concerned in the miscarriage. This drew on a long debate, upon a motion of Vyner's, seconded by sir John Bruce, that admiral Matthews's name should be left out. Those who spoke on that side of the question, were col. Bladen, lord Granard, lord G. Graham, the Attorney General, Winnington, Mr. Pelham, and general Oglethorpe. Fox was supported by T. Gore, Cotton, lord Cornbury, Grenville, Legge, lord Coke, marquis of Hartington, the Speaker, and sir John Philips. It was said in the admiral's behalf, that he had shewn great judgment and zeal for the service, in bearing down as he did upon the Real, in order to prevent the combined fleet from escaping, as well as behaved with distinguished bravery during the action. That

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pose adequate remedies to our intestine evils, and certain preservatives from external dangers; yet as this appears to me a time which calls for the assistance of every man who is ambitious of the honest fame of patriotism, I cannot think that it becomes me to suppress, by an unseasonable and timorous modesty, those sentiments which I cannot but approve.

We have now, Sir, heard all the evidences which have been produced on either side, and have declared our willing-

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the first night was more usefully employed in repairing the damages sustained in the battle, than in pursuing the enemy; that in calling Lestock off chase on the chase on the 13th of February, a good deal must be referred to the admiral's knowledge of the condition and circumstances of the fleet; at worst it could only be an error of judgment, and if these mistakes were too nicely scrutinized, what man could be safe? Neither was it equitable to put the admiral on the same footing and include him in the same question with traitors and cowards.

Lord *Granard* said, he thought it very improbable we should get up with an enemy who sailed three foot to our one, and were less damaged in their masts and rigging, for they made it a practice to fire at them, and we at the hulls of the ships.

Mr. *Pelham* seemed to think the conduct of the chase a doubtful matter, and that it would be for the admiral's honour to have it enquired into, but did not see there was evidence sufficient before the committee to justify a recommendation to the crown to put the honourable person who had the chief command of the fleet, upon his trial, which though some gentlemen had called no censure, he held to be a very grievous one, particularly if connected with the 2nd and 3rd general Resolutions, and the last words of the present question, and however violent the inclination of the House might run for it, hoped he should be excused in refusing his assent, when he could not in conscience give it, and foresaw, at the same time, ill consequences from this method of proceeding, wherein we lumped together persons whose crimes, supposing them guilty, were of a different nature, without laying any particular charge.

Admiral *Matthews* spoke in his own defence; he assured the House he could not distinguish the behaviour of the 4 ships astern of him; after lieutenant Bentley returned from the Dorsetshire, he saw her bear down, the exact distance he could not discern, but heard afterwards it was not near enough: she had 4 guns dismounted, and men killed.

As to the chase, he insisted upon his former arguments, the bad condition of his fleet and supposed danger from the Brest squadron, and did not doubt that upon his trial it would appear he had acted with skill and judgment, and not with that ignorance and incapacity which had been objected to him.

Those who were for including the Admiral, particularly Mr. Fox, argued thus; that if the inserting his name in the question was not founded on evidence, they should be more than impertinent in proposing it; that they were ready to allow Mr. Matthews behaved gallantly, but was that the only quality to be expected in a commander? Were want of conduct, remissness of discipline, gross marks of incapacity to be passed over? What was there to hinder his seeing the cowardice of the four captains when he was not engaged? And if he did see it, he must be allowed to be inexcusable in not suspending them on the spot. How partial and violent a proceeding was it to send home Lestock loaded with the whole odium of this miscarriage, when others were equally in fault, yet never called to the least account. It is a notorious fact, that for three hours 11 ships of the line of England were opposed to five Spanish; what is it in the power of numbers to do for us, when such a superiority does not operate? They believed it might not be prudent to chase the first night, but how does the evidence stand as to the manner of continuing and leaving it off? The admiral chases on the 12th till 10 at night when he brings to, though he had the moon and the weather gage, he sails again at two in the morning of the 13th, recalls Lestock into the fleet at 9, when within five leagues of the enemy. If chasing till 10 and sailing at 2 were right, how is bringing to at 10 and leaving off at 9 to be defended? If the two last steps were well judged, how was chasing at all advisable? The admiral's reasons prove too much, that he ought not to have made any pursuit, but secured his majesty's ships as soon as possible in Port-Mahon; certainly these contrarieties of conduct, this relaxation of discipline, deserved to be maturely enquired into by

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ness to hear more, if more had been thought useful to a fuller knowledge; we have heard the charges and defences, prolonged by intricate disquisition, and entangled with innumerable circumstances, either of greater or less importance; we have received the proofs of all the facts which have in any degree been thought worthy of our consideration, and the whole examination has been conducted with the impartiality of an assembly intent upon nothing but the discovery of truth, and with the patience of men, to whom nothing can seem tedious that can promote the safety or honour of their country.

It cannot be denied by the parties whose characters or fortunes are more immediately involved in this enquiry, that they have been treated with the highest degree of impartiality and candour; nor can the public complain that its representatives have either by idleness, or caprice, or tenderness betrayed its interest; since every one has been at liberty to produce all his evidence, and every evidence has been encouraged to speak with freedom. All private considerations have been thrown aside as unworthy of regard in this great question, friendship and enmity have equally subsided, and every passion has been seen to give way to the love of truth, and the desire of justice.

But though our enquiry has proceeded hitherto with the most laudable equality of conduct, yet it must be remembered that it has yet produced no effects, that it has roused but not satisfied the expectations of the people, and that if we should now remit our ardour, and suffer the miscarriage of our fleets to be forgotten, we shall only shew that we know our duty but will not practise it, and, instead of teaching future commanders the danger of neglecting their trusts, shall encourage them with the confidence of impunity, and shew that the utmost ardour of enquiry, and solemnity of deliberation, produces no other consequence than a general expectation which is never to be gratified; that the resentment of this House is a cloud, which, however gloomy it may appear, will burst at last without thunder; that the Commons of Great Britain are either without the power of their ancestors, or without their resolution, and that their proceedings are idle forms and ostentatious trifles.

It is therefore necessary to continue our deliberations upon the same principles on which they began, to rouse anew that zeal which long attention to this perplexed enquiry may perhaps have relaxed, and to animate our resolution by the recollection of those motives by which it was originally kindled; it is proper to revolve in our minds the importance of this affair, and to reflect, without any partiality, how much our monarch and our country may suffer from negligence or indolence on this great occasion, that every motive may unite in opposition to the dread of fatigue, or the softness of personal regard, and that we may persevere in the pursuit of truth and the promotion of justice, without any encumbrance of petty considerations.

If we consider, Sir, what ought always to be esteemed of the highest importance, the honour of the crown, we shall quickly find, that we cannot discover our loyalty by any action which may more justly claim the regard of our sovereign, than perseverance in our present endeavours to detect the true cause of the late miscarriage of his fleets. It is well known that monarchs are honoured only in proportion as they are feared, and that they can be feared only because their arms are successful; for he who cannot punish will certainly be injured, and he who is either unfaithfully or ignorantly feared will not be able to punish. Military reputation is the

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those who were the most competent judges. The House passed no sentence; but might be compared to a grand jury, which found the bills of indictment and put the party accused upon a legal trial. A censure and a charge were two very different things. God forbid they should declare themselves ripe for the one, but they must be accounted bad judges of evidence, not to think there was foundation for the other.

Fox said, if Matthews was excepted, he would undertake to shew by much better reasons that Mr. Lestock ought to be treated with the same distinction, who had pressed day and night for a trial from the first hour of his arrival, and had obtained it after long solicitation.

Vernon objected to the admiral his not calling councils of war pursuant to the practice of his predecessors, and never exercising the fleet agreeable to the printed instructions. But as the miscarriage could not be said to have proceeded from these instances of misconduct, no great stress was laid upon them by any body else. Ayes for Vyner's Amendment 75; Noes 218; Majority 143.

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basis of power, and that prince, or that private man, will find fewest provocations, of whom it is most generally believed that his resentment is to be feared.

It is therefore in the highest degree necessary that if the sword of our sovereign has been rusted by long inaction, its edge should be restored by the care of this House; that if military virtue, that virtue for which this nation has been so long renowned, begins to languish, it should be revived by just and certain distribution of censure and of honour; that negligence should be awakened by the dread of punishment, and that bravery should be animated by the prospect of reward; that our monarch may be made once more the great arbiter of the world, and that the ocean may again be subject to the dominion of England; that our flag may strike terror into all nations that shall gaze upon it from their shores, and spread its influence to the remotest corners of the world.

After having observed how much the honour of our sovereign demands our perseverance in the discussion of this great affair, it is surely not necessary to shew how much it is required by the interest of the nation; for the interest of the nation, and the honour of the crown, are in reality nothing more than different expressions of the same idea; they either imply the same things, or two things which can never be separated, even in speculative contemplation. It is the interest of the nation, that our sovereign should be honoured, and our sovereign's honour can only be advanced by the prosperity of the nation.

But if for a moment we should try to consider them apart, and endeavour to draw particular motives to zeal from the love of our country distinctly considered, it is impossible to reflect a moment without recollecting that the chief honour and force of Great Britain is its naval strength, that all the wealth by which we are enabled to set the powers of the continent at defiance upon the borders of their own empires, is the effect of our trade; that our trade enables us to hire armies, to influence nations, and to regulate the disposal of kingdoms; and that this trade can only be supported by a naval power superior to that of the people who have so long endeavoured to rival us, and who, since the produce of their soil, and the habits of the inhabitants give them many advantages, which we are hindered, either by nature, or the insurmountable reluctance of our people, from obtaining, must in time engross the commerce of the world, if they are not restrained by the superiority of our strength. And therefore it ought to be our first and our greatest political care to preserve our naval honour unimpaired, and to recover any losses which by weakness, or accident, or corruption, we may at any time suffer upon that element, which we have for some ages been almost allowed to appropriate, and on which our power and our bravery have been so often signalized.

Let us, therefore, through this whole transaction, remember that we are not now struggling for airy privileges, or unnecessary advantages, for wanton claim of nominal superiority, for superfluous dominions, or pompous titles, but for all that has hitherto made us envied, courted, admired or feared; that we are now endeavouring to repair the dishonour of our naval arms; a dishonour, which our enemies will endeavour to echo round the earth, and which, if we should omit to exert our power and our zeal, will not fail to be made every day greater. Let us remember that, when we are enquiring why our fleet has miscarried in an engagement with enemies not more numerous than our own forces, we are examining, why the foundations of our empire have been shaken, and why our influence is about to cease for ever? Let us remember that we are superior to other nations, principally by our riches; that those riches are the gifts of commerce; and that commerce can subsist only while we maintain a naval force superior to that of other princes.

A naval power, and an extended trade reciprocally produce each other; without trade we shall want sailors for our ships of war, and without ships of war we shall soon discover that the oppressive ambition of our neighbours will not suffer us to trade. That ambition which at present has embroiled the world, and which threatens to fill all the neighbouring countries with blood and desolation, will in a short time endeavour to obtain the means of executing its schemes, by possessing itself of that wealth by which it finds conquests so easily made, which produces triumphs without dangers, and extends dominion without bloodshed; and as this wealth flows only through the channels of trade, the disturber of mankind will endeavour not only to divert the rivulets, but to seize the fountain, and establish his power beyond the possibility of

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opposition, by engrossing that which alone can furnish the means of opposing him.

It is not, therefore, only for fame that we are now contending; the loss of naval reputation is not to be avoided, merely upon the common principles which influence every man to desire honour rather than reproach; its consequences extend to the more essential parts of our happiness, and influence our independence, our properties, and our lives; for if our trade be lost, who can inform us how long we shall be suffered to enjoy our laws or our liberties, our estates, or our religion? Without trade, what wealth shall we possess? and without wealth, what alliances can be formed?

But in this enquiry we may extend our views yet farther, and consider ourselves not only a sinspecting the behaviour of our seamen, but as endeavouring to revive every kind of military virtue; that virtue without which no state can be long either happy or great, and of which the visible declension has therefore been always considered as the certain fore-runner of speedy ruin. That our military skill should decline in a long interval of war is always to be expected; for who will study those rules, which he has no opportunity of using, or busy himself in acquiring knowledge, which can give him no superiority or distinction, since it cannot be known that he possesses it? But that the genius of the nation should lose its vigour, and that courage as well as art should be lost among us; that we should be not only unable to obviate, but afraid to encounter danger; and that we should become the scorn of those whom our name used formerly to terrify, is surely not to be thought of without indignation, or without resolution to search out the causes of such destructive depravity; a depravity, which cannot be supposed to be the effect of inaction only, since it was never known to be produced by it in any former time. We have formerly enjoyed a long continuance of peace, but have returned to the battle with our ancient intrepidity, though not with our former address, and have taught our foes in all foregoing times that we had hearts though we wanted discipline. Even those who by long experience of war were enabled to resist us, were yet compelled to applaud our bravery, and though we have sometimes been defeated, we have till now never been despised.

This fatal alteration of our character requires all our sagacity and all our attention. Cowardice is the greatest crime that can be committed against the public: and a nation of cowards can never hope either for quiet or for freedom. A nation of cowards is indeed such a term of reproach as might be hoped incapable of application, and which surely every nation must be desirous of averting from itself; yet, if we consider how much all the arts emasculating the mind have been of late promoted, and how industriously those notions have been propagated, which tend to destroy all regard but to immediate self-interest, it may be reasonably concluded that there are some at least who do not think general cowardice a public calamity.

The numberless corruptions which have crept into public transactions, and private life, and which tend all to one point, and form the complicated cause of universal cowardice, though it ought, as soon as we have any rest from immediate disasters, to be our great care to detect and eradicate them, it is not at present necessary to mention; for our distress requires the operation of more active and violent remedies. We ought not to amuse ourselves at present with enquiring after remote or contingent causes, but endeavour to counter-work them, whatever they may be, and to make that selfishness which predominates among us, operate in favour of the public, by the steady and honest application of hopes and terrors, and teach those whom we intrust with the safety of the public, that it is less hazardous to do their duty than to neglect it.

This is the only expedient by which our naval honour can be restored, our trade preserved, and our military virtue revived; and this expedient is in our own power. For this it is necessary that we declare our sentiments of this fatal transaction, in a signal manner, and that we make use of such terms as that all delinquents may be included, and none may have reason to boast of exemption, or to complain of malignity.

That such a method is both just and expedient will hardly be denied; for, notwithstanding the obscurity and opposition of the evidence which we have heard, it is impossible not to discover that much more might have been done in the late engagement, and that our enemies are indebted for their escape to our folly and misconduct, rather than their own courage. From all the witnesses which have been examined, it has appeared that many

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faults have been committed in the conduct of the navy; though perhaps it may not be equally evident to whom those faults are to be imputed; and that duty in general was neglected, though that neglect is charged upon different persons.

If we consider the state of the fleet before the battle, we have reason to complain of such neglect of naval discipline as may justly be censured: for the fleet was never exercised, by forming the line of battle, which, if we pay any regard to the practice of those seamen who have raised the glory of our country to the height at which it remained till the day of this fatal engagement, is indispensably necessary, as the only way of teaching the officers and seamen the rules which they are to observe in battle, and of qualifying them to attack with force, or retreat with safety. In consequence of this neglect, it is beyond controversy certain, that the fleet never was drawn up in a line on the day of battle; and it is to be conceived that the greatest part of the success of our enemies may be justly imputed to a disorderly and unskilful manner in which they were assaulted. These are instances of ignorance, or of omission, which surely deserve our attention, though nothing more had appeared to require an examination.

But we have, Sir, undoubtedly, sufficient reasons for believing that many other mistakes were committed on that unhappy day, and that the whole battle was one continued violation of all the rules of war. Nor can it be thought that any single man is to be charged with the miscarriage, to which it is apparent that many contributed. From all the various accounts which the different witnesses have given of the battle, it appears that most of the ships continued through the whole at such a distance from the enemies, that they could only hear the fire without feeling their bullets; and that they amused themselves with the appearance of a battle, in which they did not in reality engage, and spent those vollies upon the air and the water, which might have pierced the opposite squadrons and sunk our rivals to the bottom. Those who thought it their duty to approach nearer to their adversaries, and who really endeavoured to serve their country, found themselves abandoned by their associates, and retired, notwithstanding their bravery, in despair of being seconded.

These, Sir, are the crimes, and these the effects, which require our censure, and such censure as may leave the public no room to suspect that military crimes are indulged by connivance, or national misfortunes regarded with indifference. From the resolution of this day is to be expected the reparation of that miscarriage, which has brought so much dishonour upon our arms, and the revival of that spirit in our navy, which we hope to see roused in the land forces by the presence of his Royal Highness, who, with a generosity becoming his rank and his genius, is now about to expose his person to the hazards of war. The resolution of this day, Sir, will shew how the public expects that those men should behave, who are entrusted in a battle with the honour, the welfare, and the commerce of their country, with what caution commanders are to direct, and with what exactness obedience ought to be paid.

But that we may not seem attentive only to guilt, and insensible of merit; that every motive which operates upon the heart of man may be employed for the recovery of our fame, and the re-establishment of our power, I hope it will be proposed that rewards shall be conferred, as well as punishments inflicted, and that the gratitude of England will not be found less conspicuous than its resentment. One captain,* Sir, at least, has been mentioned, whom all confess to have deserved the greatest honours; but that ardour of bravery, which merited, has unfortunately prevented them. He has, however, a greater reward than it is in the power of the most grateful to confer, the happiness of dying for his country, the honour of being lamented by every man of virtue, and of being numbered, Sir, by you among the greatest ornaments of your family. A motion, Sir, for these purposes appears to me so necessary that, if no person better qualified for so important an undertaking shall rise on this occasion, I shall think it my duty to propose to the House such terms as shall appear to me most clear, emphatical, and comprehensive, and hope to have the assistance of all those who desire the reparation of our honour, and the revival of our virtue.

Mr. *George Grenville:*

Sir; I suppose all who have heard

* Captain Cornwall, brother to the Chairman of the Committee.

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the hon. gentleman will agree with me, that he has discovered a very laudable zeal for the honour of the British arms, that he has justly represented the consequences which we have to dread from the diminution of our naval power, or the reproach of cowardice: that he has shewn, with great strength, how much our force may be weakened, and our reputation impaired by the late miscarriage of his majesty's fleets; that he has very properly endeavoured, at the same time, to fill us with just indignation against those, whoever they may be, to whom this destructive event is to be imputed; and that he has shewn himself equally qualified to convince the reason, or to move the passions.

I am, for my part, convinced that he has by no means indulged himself in any unreasonable sallies of rhetoric, and that he has not exaggerated the calamity of this fatal miscarriage beyond the truth. I am of opinion that his fears and his resentment are equally just, and that he has represented to us no consequences but such as may very justly be expected, nor advanced any reasons for obviating them but such as cannot be controverted.

Nothing is more natural than that our enemies, in the triumph of their success, though they have nothing to boast but that they have been able to escape destruction, may be incited to insult us on the ocean, and consider themselves as qualified to dispute with us that empire, of which we have been so long persuaded to believe ourselves possessed without a rival; that they may attack our fleets of trade, or make descents upon our colonies; that they may form schemes of confining us to our own island, and of engrossing the continent; that they may now think themselves secure of universal success, since they have added to their power at land, which is confessedly great, such a naval force as, if it be not able to obtain victories, has yet been found sufficient for defence, and which, though it cannot be able to invade us, may at least secure themselves from insult, and oppose the utmost force that we can bring against them.

That these hopes are just, Sir, I am far from asserting, but I suppose it cannot be denied that they are natural. In all cases it will be found that those who have performed more than they expected, will please themselves with a high opinion of their own abilities, and be ready to engage in undertakings, of which, before their late success, they would perhaps have trembled at the thought. That our enemies should form false ideas of their own strength, may apppear at the first view of no great importance; but if it be considered how much courage depends upon hope, and how much in war may be effected by courage, it will be found that whatever raises the hope of enemies contributes to make them more formidable; and that, since the events of war are, as the present occasion of debate may sufficiently inform us, such as are not to be regularly predicted from consideration of the strength of the contending powers, every attempt against us produces some degree of danger, and therefore we can never be secure till our reputation on the sea is such as that no nation may dare to fit out a fleet against us. The re-establishment of our naval reputation has been therefore very judiciously recommended by the hon. gentleman: and as our reputation can be recovered only by the renovation or improvement of our discipline, it seems necessary that the most exact and solemn scrutiny should be made into the conduct of those, to whom it appears to the House that the miscarriage of the fleet may justly be imputed.

That this scrutiny may be made with that dignity which becomes the importance of the affair, and the efficacy which the welfare of our country demands, it is necessary that some Resolutions should be formed by us, in consequence of the examination in which we have been so many days so ardently engaged. And as I think I have some Resolutions to propose that are liable to very few objections, I cannot but hope that I shall be pardoned for offering them, since the rejection of them may incite some person, better enabled by his experience or wisdom, to propose others which may be of greater advantage to the great cause in which we are now engaged, the recovery of the honour of our country, and the increase of its power. I move, Sir, that it be resolved by the committee, 1st, "That at the time of the late engagement, his majesty's fleet was superior in force to the combined fleets of Spain and France." To this Resolution, I believe, no objection can be made, since it contains nothing more than a plain declaration of a fact equally notorious to our friends, to our enemies, and to ourselves. The second Resolution which I shall propose is, "That the miscarriage of his majesty's fleet was highly detrimental to the honour of his

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arms, to the common cause, and to the interest of these kingdoms." This, likewise, is a Resolution which will, I hope, be admitted with very little difficulty; for it cannot be doubted but that the courage of our enemies was raised, and that of our friends depressed by this miscarriage, nor can it require any proof that in war it is detrimental to suffer a defeat. The third Resolution, which I think it necessary to move, is, "That there is reason to apprehend, from the evidence that has been before us, that the said miscarriage is to be imputed to a misconduct and misbehaviour in some of the commanders and officers of his majesty's fleet." This Resolution may be likewise admitted without opposition; since, if it be evident that the British fleet was superior in force to that of our enemies, it is not very apparent how it could miscarry, unless by the cowardice or ignorance, negligence or treachery of one or more of its commanders.

If these Resolutions be admitted as motives to a more exact and severe enquiry, it will be proper that, when they are reported to the House, a motion should be made for an Address to his majesty, that he would be pleased to order a Court Martial to be held, that this affair may be at length completely examined by those whose employments enable them to judge of military conduct, that our reputation may be rescued from utter extinction, by a timely revival of the discipline of the navy, and an establishment of that subordination, without which forces are cumberous multitudes, and strength serves only to destroy itself.

This appears to me the method which, at the same time that it is most easy, is most likely to be efficacious; nor can I foresee any objection that can speciously be made against it, unless that it may be thought expedient to name those to whom the committee may have reason to believe that the miscarriage of the fleet ought to be imputed. If it shall be thought necessary to name them, I shall not obstruct the deliberations of the committee by many arguments against it; but however, as it is often more commodious to preclude objections than to answer them, I shall presume to offer the reasons which hindered me from naming particular persons in the Resolutions which I have now proposed.

It may be considered, that the bare nomination may be thought in some measure to preclude the enquiry for which the House is to address his majesty, in which it will be proper to examine, in the first place, into the causes of the miscarriage of the fleet; an examination which cannot be conducted with entire freedom, when the representatives of the people have already determined, not only that it is to be imputed to misconduct, but have pointed out the officers by name, whose conduct is to be particularly censured. Though such a nomination should not be allowed to injure any of those who are thus selected out for trial, it will at least give others, who are perhaps equally criminal, an opportunity of escaping. For the court will very readily remember that there is no necessity for extending its jurisdiction beyond the purposes for which it was called; and when those who are to be tried are particularly named, it cannot be expected that they will look out for more criminals, or affect to discover farther than the committee. If we leave them at large, they may perhaps think their honour endangered by overlooking any notorious breach of naval discipline, or suffering any atrocious violation of duty to pass unpunished; but if we point out the criminals, they will look upon us as the informers, and themselves as the judges, and conclude, that it is our business to produce accusations, and theirs only to examine them when they are brought.

There is likewise another reason which inclined me to avoid the nomination of particular officers. It is very desirable that, in a case of this importance the committee should be unanimous; and unanimity, though it may be obtained from reasonable and honest men, when only general propositions are to be examined, is scarcely to be hoped, when the debate descends to the private interests of particular men. Every one will then feel either some degree of vicious or of virtuous partiality; every man will find himself either willing to pursue an enemy, or to shelter a friend, and his passions will sometimes prejudice his judgment, at other times batter his resolution. He that believes, without any difficulty, that the fleet could not have miscarried but by misconduct, will be yet slow in admitting that the man, by whose misconduct dishonour has been brought upon the British arms, was he with whom he has lived in long familiarity, whom he has endeared to himself by a continued interchange of kindness, and of whom perhaps, by long experience, he has been persuaded to entertain the highest esteem, or whose faults, by accidental fondness, he

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has been hindered from discovering. There is no man exempt from passion, and there are very few whose passions are not the chief motives of their opinions and their conduct. And therefore where unanimity is to be desired, passion, and the causes which are most likely to awaken it, are very carefully to be excluded, lest the regard which the public claims from us should be lost in private considerations; and lest, while we too much remember that we are friends to particular persons, we should forget that we are also the representatives of the people.

But, there is likewise another reason for which it appears to me improper to name the particular men whose conduct we may desire to be examined. The evidence, which we have spent so much time in collecting, and upon which we are to found the Resolutions which shall be reported to the House, is not, by any means, so consistent as might be hoped and wished, nor is it easy to determine, among the numerous contradictions which have been produced, what judgment ought to be made of the conduct of many of those who have been named at our bar. It is, therefore, in my opinion, more eligible to recommend only the farther examination of this great affair, by such Resolutions as contain in them nothing invidious, partial, or severe, and which therefore may be admitted with general concurrence, than by mentioning particular men, to give occasion to such debates in the House, as may retard the process of the enquiry, and destroy the effects of all our deliberations.

Mr. *Henry Fox:*

Sir; the Resolutions proposed by the hon. gentleman are so reasonable and so proper, that I think it my duty to rise up in order to declare how readily I shall concur in them. The observation which he has made upon the contradictions and inconsistencies of the witnesses which have been heard on this occasion, is such as cannot be denied to be just; and the consequences which he has drawn from it are sufficiently authorised both by nature and by experience. It cannot be doubted that where there can no proof be offered which will force conviction, and where every testimony has been invalidated by counter-evidence, many opinions must be admitted, with regard to the conduct of individuals, which, however destructive of each other, may be yet defended with arguments equally plausible, and supported by evidence equally credible; and therefore almost every one will judge according to his inclination. Nor will it be reasonable to censure such decisions; for inclination may be very lawfully indulged when there appears no sufficient reason for opposing it. Such contrariety of opinions as may therefore be reasonably believed to prevail in this House, makes it necessary to propose resolutions contained in general terms, which can therefore admit of little doubt or debate; and such are those now offered by the hon. gentleman. That these Resolutions are all evident is incontestable; and it cannot, I think, be affirmed that they contain any thing superfluous, or indecent; and as they may, therefore, be, in my opinion, very properly reported, I now second the motion.

Mr. *Vyner:*

Sir; I hope the importance of the affair now under our consideration, will not so influence our passions or confound our understandings, but that, amidst our indignation at the miscarriage which has been represented, and represented with truth and justice, as extremely injurious to our reputation, and detrimental to our affairs; amidst the resentment, which the diminution of our military glory has kindled, and the eagerness with which we are endeavouring to obviate the consequences of this great misfortune, we shall be careful to make the distinction which equity demands between those who by their wickedness, or their ignorance, brought these evils upon their country, and those who, by the exertion of the greatest courage and skill endeavoured to prevent them; between those who may be reasonably suspected of having preferred their own safety to their honour and their country, and those who have openly exposed themselves in the performance of their duty to the utmost hazards.

This distinction is, in my opinion, not sufficiently regarded in the third Resolution, in which it is affirmed, that this miscarriage appears to have been produced by the fault of some of the commanders; an expression implying a censure, which I cannot think just, and in which therefore I cannot concur. It is well known that there were in the fleet not more than three persons, to whom the title of commander can properly be given; of these, one is without censure, without accusation, and without suspicion. The censure,

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therefore, which is contained in this position, since it evidently includes more than one, must fall upon the vice-admiral and the admiral. This indiscriminate accusation of two persons whose behaviour has been so remarkably opposite, will be found, upon reflection, not very defensible; for the contrariety of their actions scarcely leaves it possible to suppose that both of them can be blamed with justice. The same reasons which may incline us to condemn one admiral, must urge us with equal force to acquit the other; and if we would appear consistent with ourselves, whatever officers we may find it proper to bring to trial, we shall be obliged to confine the charge to one commander, unless we resolve to make a contradictory charge, and accuse one for fighting and the other for not fighting.

But, to dwell no longer upon general reflections, what charge can, with the least appearance of justice, be brought against the chief admiral, or how has he been deficient in any part of his duty? What has been omitted by him from negligence, or declined from cowardice? How has he violated the trust conferred upon him? Or how can it be imputed to him, that the enemy escaped destruction? If we recollect the evidence which has been given, we shall find nothing in his conduct, that can give us the least reason to doubt either his honesty or his courage. With regard to his fidelity, no suspicion has been indeed started; and therefore it would be superfluous, as well as invidious, to attempt to justify him; and with regard to his bravery, it seems equally superior to censure, and vindication is therefore equally needless. Let any one figure to himself a man warm with the love of his country, and governed by the strictest rules of honour and integrity, sent out against the public enemies, exposed to all the hazards and fatigues of war, and after having endured all the solicitudes of his high trust, all the disturbance of incessant vigilance, and all the hazards of hostile opposition; at his return to that court, which he had so zealously served, involved in a general censure with cowards, or with traitors, for a miscarriage which he with his utmost care endeavoured to prevent. This is a case, which no man can place before his own imagination, without feeling the utmost emotions of indignation and resentment. And yet this will be without controversy the case of the chief admiral, if these Resolutions be admitted as they now stand.

Yet what reason can be given, why the behaviour of the chief commander should be supposed to have contributed to the ill success of the fleet? Did he decline any kind of personal danger? Did he omit any precaution that it was in his power to use? Did he not rush into the engagement with the utmost intrepidity? and would he not, if not hindered by accidents, which it was not in the power of bravery to prevent, have destroyed the strongest of the enemy's ships? If this behaviour deserves censure, I know not how it can be possible to merit commendation; and if this gentleman must be censured, it cannot be expected that a commander of our fleet will easily be procured.

If, therefore, we desire to support the honour of our country, and to promote the continuance or the increase of that naval strength, which has hitherto made us the support and terror of the neighbouring nations; if we do not intend to discourage bravery, and disgrace merit; if we intend not, under the appearance of establishing discipline, to level the treacherous and the timorous, with the courageous and the honest, let us alter the Resolutions in such a manner, as that no reproach may fall upon the chief commander.

In order that it may appear who have really deserved censure, and who have merited honours and rewards; that the conduct of every man who may have incurred suspicion may be distinctly and deliberately examined; that we may be able to penetrate this mist of contradictions, and that truth may be at length clearly discovered to us, I cannot think it improper that the evidence should be communicated to the public; nor do I believe the admiral will, when his conduct is thus publicly displayed, either dread a trial, or want a vindication.

Mr. *Pelham*:

Sir; as it is at last necessary to form some resolutions with regard to the evidence, which has been offered, I cannot but desire that we should unanimously concur in the report which we shall make to the House. The Resolutions which have been proposed by the hon. gentlemen are, in my opinion, such as may be very properly received; for they are not burthened with particulars, which naturally give occasion to disputes, but are conceived in general terms, such as in some sense or other may be understood conformably to almost

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every man's sentiments. The assertions contained in these propositions are, that the fleets of his majesty was at the time of the late engagement superior to that of the enemies; that the defeat was disadvantageous to the nation; and that it appears to the committee, that it may be justly imputed to the misconduct of some of the commanders or officers.

The two first of these propositions are not disputable; for all accounts have concurred in the superiority of our armament, nor can it be doubted that the defeat was disadvantageous to the public. The third proposition may perhaps give occasion to controversy; but surely it cannot be denied that when a greater force is defeated by a smaller, there must be some degree of misconduct, which though perhaps it may not always be such as deserves punishment, yet cannot be denied to be a just occasion for enquiry; and nothing more than a farther enquiry is intended, in consequence of the Resolutions which have been proposed as the sense of this House.

The method proposed by the hon. gentleman is likewise such as deserves our approbation, since by referring the affair to a court martial, we shall in effect submit it to his majesty, who is the proper supreme judge of military behaviour. But in order that he should proceed upon proper information, it seems necessary that the evidence which we have heard should be accurately digested, and that an abstract should be drawn up with the utmost care, and the most rigid impartiality, that no light may be wanting to guide him in those intricacies, in which the House and the nation have been so long bewildered.

Mr. *Henry Fox*:

Sir; though I cannot pretend to censure the hon. gentleman who spoke last but one, of whom I do not doubt but he speaks the sentiments of his heart, and who has, without controversy, the same right to declare his opinion which I have to oppose it; though I cannot but applaud the warmth with which he has spoken, in defence of a person whom he believes to merit his esteem; yet, as his opinion is directly contrary to mine, I hope he will not think that his appearance of confidence and ardour of vindication, ought to overpower that evidence by which my sentiments are determined, or that I ought to be silent, when I am not convinced. I should gladly declare my concurrence with him in any of his proposals, if I could find them such as I could sincerely approve; but having listened with the utmost impartiality and attention, I cannot prevail upon myself to believe that it will be for the advantage of the public, that we should make such alteration as he recommends, or that his arguments are of weight sufficient to destroy those notions which some members may have already adopted. His justification of the chief commander of our fleets, in the late unsuccessful engagement, has, in my opinion, more vehemence than strength; nor has it been sufficient to convince me that he ought to be distinguished, by any particular exception in the Resolutions which this committee shall think it proper to report; neither can I agree that the evidence which has appeared, gives him any such attestation, as sets his conduct, on this occasion, above the reach of censure, or the necessity of enquiry.

How much my opinion differs from that of the hon. gentleman I need not now mention, because I take no pleasure in unnecessary invectives, or in wanton censures. When I think it necessary that any particular person should justify his behaviour before proper judges, I do not desire to make his defence less easy, by any new insinuations, or to blacken that character by satire, which I desire to see rise unsullied from the trial. I think it necessary that the admiral, like the subordinate officers, should be summoned to explain his conduct, and hope that such an explanation will be produced, as that his friends may have reason to congratulate him upon that enquiry, from which they now endeavour to exempt him.

But that I may not appear to oppose the hon. gentleman's proposal only in general, without undertaking the defence of my own opinion; and that it may not be imagined that I desire to subject a commander of the first rank to the disgrace and danger of a trial, without having, at least, in my opinion, sufficient objections to his conduct; I am now willing, if it should be desired by his friends, to exhibit a charge against him. And though I am equally remote from imagining that I can prove him guilty, and from desiring to prove it, I doubt not but I shall very easily shew that, though he may be free from guilt, he is liable to suspicion.

With regard to the proposal which has been made for printing the evidence, as it has been offered at our bar, I cannot but

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believe that, when it is considered, it will be found by no means proper. The complaint of the uncertainty and inconsistency of the testimonies which have been hitherto produced, is general and just; but how the doubts which this inconsistency may have raised, will be cleared by printing the evidence, I, for my part, am by no means able to discover. The usual method of detecting a false evidence, and the most efficacious which the art of man has yet discovered, is that of repeating the same question at different times, and examining whether the answers agree. But if we print the depositions, in order that the members of this House may consider them, the witnesses themselves will have the same opportunity; and as every one will resolve not to betray himself by contradictions, no future examination will have any other effect, than that of procuring a repetition of the assertions which have perhaps been hastily advanced, and might therefore hereafter be retracted.

There is likewise another reason which may discourage the proposal, made by the right hon. gentleman, of drawing up a summary view or abstract of the evidence before us: a reason of such weight, in my opinion, that, however others may be affected, I shall certainly be influenced by it to decline any part in the undertaking. The affair now before us is an examination of the conduct of naval officers, in an engagement at sea. The witnesses who have given their evidence are seamen, and, either from custom, or from a real want of other words, have delivered their testimonies in the language of their own art, a language understood only by themselves, at least not understood by me, nor, I believe, by any gentleman in the House, who has not had a naval education, and served by sea. The terms of almost every art are unintelligible to those who never learned the business to which they are appropriated; and the terms of navigation seem to be more remote from common life than those of any other profession, as they are not only less used, since there is not any use for them, except at sea, but as they imply ideas in themselves entangled with calculations, and involved in theories.

This difficulty is such as I cannot hope to see us able to surmount. In drawing up a summary of the evidence, we must make use of the expressions of the several witnesses, leaving out only the questions and answers which seem of less importance, or we must change their words, and digest the substance of the depositions in our own style. But I cannot discover how either of these methods can be practised to the advantage of the public, or how truth will be discovered, or justice promoted. I cannot find but that, which way soever we shall chuse, we shall embarrass ourselves with an useless labour, in which we may toil for a time, but from which no good effects can reasonably be hoped by us.

If we change the words of the witnesses into language which, because we shall ourselves more readily apprehend its meaning, we shall be inclined to think more easy in itself, and more convenient for others, we must first understand the words which we take upon us the task of interpreting, which will be in itself no easy undertaking, but which, by the assistance of those who have been educated at sea, may be at last possibly surmounted; though even then the greatest part of the committee, who are employed in collecting the evidence, must implicitly admit the instructions of others, and write what they rather believe than know to be true. This is not however the greatest objection to this method; for every one knows how difficult it is to express the sentiments of another man in other words, without altering his meaning in some degree, without adding force to his manner, or taking it away, without changing some circumstance, which others may think of great importance, and without giving occasion to him whose sentiments are thus represented, to complain that he is made to say what he never thought.

If this be disingenuous and unreasonable on every occasion, it is certainly to be scrupulously avoided in enquiries of great importance, in which life and fortune are in danger, and where no opinion contrary to truth can be admitted, without perverting or obstructing justice, and where justice cannot be violated or evaded, without injuring the public interest, and heightening the calamities of the national distress. If it be required that, when any man is charged with criminal opinions, the expressions in which he uttered them should be accurately exhibited; with equal reason may it be demanded, by any man who is endangered by the evidence of another, that the depositions should be preserved in their original state, lest the sense should be altered by the alteration of words, and lest the digester should,

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either from kindness or enmity, or by negligence or vanity, reconcile contrarieties, and extenuate absurdities, and deprive the person accused of many objections which he might make against the evidence, from their own testimonies.

This would undoubtedly be objected and maintained, and therefore there would be a continual necessity of recurring to the original evidence; so that after much study, much embarrassment, and much controversy, we shall at length have the vexation to find that we have laboured to no purpose, that we have been rolling away difficulties which will every moment fall down upon us, and that we have in reality only given occasion to new controversies, by the means which we have used to free ourselves from them. This will be the certain and the natural consequence of changing the terms which have been made use of by the witnesses; and such consequences will be, I suppose, sufficient to deter us from any such design. But whether any greater advantage will arise from the other method of contracting the depositions, by which the less momentous questions will be thrown aside, and only the necessary part of the evidence retained, is now to be considered. And I cannot but express some fear that a little consideration will convince us of the uselessness likewise of this proposal, however, at a slight view, promising and specious.

It is first to be remembered, that we have already agreed that a great part of the depositions is unintelligible, and that therefore it will be by no means easy to discover what advantage will be gained by making an abstract, which even those who have drawn it up are not able to explain. An unintelligible abstract of unintelligible evidence is a performance that can very little enlighten those whose curiosity may incline them to peruse it, or who may imagine it their duty to consider it. It is not likely, perhaps not possible, that the abridgment should be less obscure than the whole evidence, since sometimes a question of less importance, which will be omitted, has given rise to questions of the utmost moment, and must therefore be of great use to explain the answer which was given.

It is likewise to be enquired, before we engage in this undertaking, how those, who do not understand either the question or the answer, shall be able to distinguish those which are of more importance from those which are of less, and to whom the appeal shall be made, when the abstracters shall chance to differ in their sentiments; which is more likely to happen frequently, as they must proceed without much knowledge of the affairs which they are endeavouring to relate.

But though all these obstacles should at last be surmounted, and such an abstract should be drawn as might satisfy the committee and the House, it would probably be very far from giving equal content to the men whose honour, or whose lives are involved in our procedure on this occasion. They would perpetually complain of misrepresentations; would declare that many things necessary to their vindication were neglected or forgotten; would endeavour to fix a charge of partiality upon the compilers; and, as in the former case, would, whenever they were not satisfied with the abstract, appeal, with confidence, to the original depositions; and as their appeal could not be denied to be reasonable, we should at last find our compendium of no use but to multiply debates, and hinder our proceedings.

These are great, and, perhaps, invincible arguments against an abstract of the evidence; but the most important objection is that which I have already mentioned, the danger of entangling the witnesses in their own depositions, and of obliging them not to rectify, but repeat their assertions, by laying them before the public, and putting it in every man's power to reproach them with contradiction, if in any of the future examinations they should deviate from the testimony which they have already given.

It may be, perhaps, alleged that the witness who contradicts himself is condemned by that contradiction, and that he ought to be marked out to the public, as a wretch unworthy of credit or of regard. This is, indeed, true, if the falshood of testimony proceeds from deliberate corruption; if a witness contradicts his own conscience, or takes a reward to accuse innocence, or defend guilt. But the same severity would not be just against him who commits an error, by surprise, or inattention, or want of presence of mind, before a greater assembly than he ever saw before, or by a sudden combination of ideas, which he had not leisure or power to separate, or by the perplexity of questions crowded on each other, and unexpected, or not perfectly understood. All these causes might either separate, or in conjunction, lead the justest, and, perhaps, the ablest man into such

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impropriеties or mistakes, as may appear not consistent with a design to discover truth. And I am not certain that every gentleman in this House might not be condemned by his own depositions, if he was obliged to answer before a large audience, upon a complicated affair, when he did not conceive in its whole extent, every question which a multitude of examiners enquiring with opposite designs might think it proper to ask him.

It appears, therefore, to me necessary, for the sake of truth, to conceal from the public the evidence which has been given. For we cannot but suppose that the witnesses will endeavour to recollect the facts, upon which they expect to be re-examined, and rectify the inaccuracies which in the confusion of the first enquiry might happen to escape them. And as it would be cruel to charge them with corruption, for any circumstantial deviations from their first allegation; so it would be improper to oblige them to repeat, what they now are ready to acknowledge a mistake, if that acknowledgment can be made without danger; and without danger it must be, if we do not embarrass them by a precipitate publication. It therefore, Sir, is my opinion, that no Resolutions can be less liable to objection on all sides, than those which are offered by the hon. gentleman, and that all the alterations which are desired will be depravations, rather than corrections.

Mr. *George Grenville:*

Sir; if it could have been possible to propose any Resolutions with which every one might be expected to be pleased, and to which no objections would be raised, I was not without the vanity of hoping that I might have once obtained that praise, which so few have been able to acquire, of uniting all parties in the same sentiment. For this reason I comprised in the Resolutions which I proposed only one incontested fact; that at the time of the late engagement his majesty's fleet was superior in strength to those of his enemies; and two self-evident propositions, that the ill success of the fleet was detrimental to the nation, and that there was cause to charge it upon some of the officers and commanders. These Resolutions cannot, in my opinion, be disapproved, but by such as either deny, what has never yet appeared doubtful, the superiority of our fleets, or deny one or both of the propositions, and consequently maintain, either that a nation may be defeated without loss or inconvenience, or that a greater force may be overthrown by a smaller, without any reason to enquire into the conduct of the commanders or officers. What may be the judgment of others I am not able to declare, but I am not yet ashamed to affirm that I am of the same opinion; that I think the Resolutions extremely reasonable, so far as they proceed; and that if any defect can be objected, it is, that they are not sufficiently particular, and that rather too much is suppressed than too much asserted.

With regard to the chief commander, whose conduct appears to the hon. gentleman so free from all objection, it is not at this time necessary to enter into the dispute. It must be allowed sufficient that others are of a different opinion, and as he will not suffer himself to be guided by their authority, he can as little expect that they should give way to his. While any doubts remain, it is fit that they should be cleared, and if the chief commander's conduct has been such as it is described by his friends, a trial will only establish his fame, and silence calumny.

Yet, that the propriety of the motion, which I have adventured to make, may more evidently appear, I shall more particularly consider the third proposition, which is the only proposition by which any particular interest can be injured. The third proposition, indeed, cannot be denied to imply some degree of censure of the conduct of particular persons; it is affirmed "that there is reason to believe, from several parts of the evidence," so solemnly delivered to us, "that the miscarriage of his majesty's fleet," a fleet first declared to appear, from incontestable testimonies, superior, at the time of the late engagement, to the combined fleets of our enemies, and therefore such as might give us just hopes of victory, "is to be imputed to the misconduct or misbehaviour of some of the commanders and officers." This, Sir, is the whole assertion. That our fleets miscarried in the late engagement, must be allowed, even at this time, when there are not wanting those who seem determined to allow but little, because the miscarriage of our fleets is the only occasion of this enquiry: that our fleets miscarried in an engagement against enemies, generally considered, though perhaps not always justly, as inferior to our seamen in the arts of naval war, and certainly proved to be at that

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time unequal in the strength and in the number of their ships, is universally admitted.—Let us therefore consider by what means our enemies, under these disadvantages, gained an advantage over us, so apparent, and of such importance, as to give an occasion, a plain and equitable occasion, for a parliamentary enquiry. It will not, I suppose, be said that this enquiry is unseasonable, or that it is one of the struggles of a discontented faction; for it has been long expected by the nation, and the majority of all ranks of men, whether only busied in the transactions of private life, or engaged in the administration of public affairs, by a seat in one of the Houses of Parliament, have agreed, that without an enquiry of this kind, warmly commenced, and vigorously pursued, the discipline of our fleet will be destroyed, and the naval power of this nation, that power at which the continent trembles, must become the scorn of those who have so long been awed by it, from attempting the devastation of the neighbouring territories, and the vassalage of half the nations of the earth.

It cannot be imagined but that a defeat must be of considerable disadvantage to a nation, whom it irritates so much, and therefore it could not but be proper to comply with the ardour of the people, by enquiring to what causes it ought to be imputed. But to what end is such enquiry, if we do not endeavour to find out the causes for which we profess to search? Or to what end do we find them, if, when they are found, we do not discover them to the nation, that the same effect may be hereafter prevented, by obviating or taking away the cause which produced it? A mere form of enquiry, without advantage and without consequence, is not wished or needed by our country.

The enquiry has been candidly, diligently, and sagaciously pursued; and since this motion is opposed as improper, malignant, and implying an unjust censure, it may be justly expected that some gentleman should rise and inform us to what cause the miscarriage of the fleet is to be imputed, to what other cause than the misconduct of the officers and commanders. It is not possible, indeed, for me to determine what the reflections of others may offer to them; but I for my part cannot easily discover how a superior force can be defeated but by some degree of misconduct; how it can fail of victory, but by surprize, for want of intelligence; by disorder for want of knowledge; or by inactivity, for want of valour; or to conclude with the most atrocious of all crimes, by artifice, for want of fidelity. All these defects, though not all equally detestable, are yet criminal, and must be charged upon the officers and commanders; and the last cause of miscarriage, unless we suppose a general conspiracy against the public, is to be charged on commanders only.

By what crime, or by what deficiency our fleets were disappointed of the success which their superiority gave them just reason to expect, I have avoided to mention; and have only charged some of the officers and commanders with misconduct, which is the most general term that I could conceive, and which may imply every failure, whether casual or voluntary, whether the consequence of ignorance, cowardice, or negligence. That this charge is severe, cannot be asserted by those who, with the zeal of men warm for the happiness of their country, the renovation of its honour, and the progress of its power, shall consider the importance of the enquiry which we have undertaken. And yet this charge, soft and gentle as it is, has been extenuated by a tenderness of expression, which I doubt whether patriotism can defend or praise, and which, instead of drawing upon the motion a censure of injustice and severity, may rather, in my opinion, provoke an honest declaimer on this general calamity, to accuse me of having had regard to some private attachments. It can scarcely be imagined that such a motion on such an occasion was dictated only by general lenity, and that its author had not some particular interest to serve, by thus mollifying the censure, and touching so lightly upon so destructive an event. That I had in reality any such design, will yet not be suspected, by those at least who think the charge too harsh; and therefore I have no need to protest my innocence, but cannot forbear to express my uneasiness, that I should be at once exposed to opposite rocks, and that I should not, as is usual, fall on one to avoid the other, but by my care to shun both should upon both be shipwrecked.

It is however my present business to answer, not to the objections which may be made, though perhaps reasonable and important, but to those which in reality have been made, to which indeed I cannot discover that an answer is made necessary so

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much by their force or difficulty, as by the character of him that produced them, whose general charge is, that by mentioning both officers and commanders, I declare, that not only the commanders of single vessels, but the general commanders of the navy are, in my opinion, under suspicion of guilt; that, by not restraining the charge to a single commander, I at least mean to extend it to two; that as the conduct of only two has been called into question, the person whom I intend to single out for a further examination cannot be unknown; and that the chief commander has been so far from appearing to have neglected his duty, that his conduct entitles him to the highest honours, and the most liberal rewards.

He has already heard, what I have already observed, that whether his opinion be the effect of reason or of prejudice, it is not universally approved by this committee: and that therefore he ought not to foster it with too much partiality, lest it should appear that he pays too much deference to his own sentiments, without suffering himself sufficiently to regard the conceptions of others. A gentleman, to whose opinion, if he is not very particular in his choice of those on whom he confers his esteem, he will not deny an uncommon degree of authority, has already professed himself prepared to exhibit a charge against this favourite admiral, if his friends shall think it for the advantage of the cause of which they are engaged in the defence. And indeed I do not know what easier task any man could chuse for the exercise of his abilities, than that of drawing up a charge against the chief commander of the fleet; or how any man, who has heard the evidence, can forbear to think that his behaviour on that memorable day ought to be carefully examined.

If we calmly consider the evidence which has been offered, shall we not find perpetual reason for suspecting the conduct of the admiral? Has it not been alleged that the discipline of war was neglected, that the exercise of the line of battle, which, according to the practice of the most experienced and successful admirals, ought to be the daily employment of the fleet, was omitted? And are we not told that, in consequence of this neglect, the fleet was irregularly ranged even on the day of battle? Are we not likewise informed by the witnesses, that improper and imperfect orders were given; and that it was by the perverseness or the ignorance of the admiral, made difficult, if not impossible, for others to know what was expected from them, or what was designed?

These are surely very important instances of misconduct; but one of much greater importance is yet remaining. For it has been shewn, as far as oral testimony can show it, that, on the second day, the distress and confusion of the enemy was such, that if he had been vigorously attacked by our fleet, which was then united, he must have probably been destroyed; and why he was not at that time attacked, no reason has been given, or none by which either this committee, or the nation can be expected to own themselves contented. This charge, though no other had been exhibited, might surely be sufficient to determine us to such a resolution as might at least not exempt the admiral from a trial; and it can only be said that, by this resolution, he is not exempted, for nothing positive is alleged against him.

It may be observed by the vindicators of his conduct, that the evidence is not consistent; and the observation must be allowed to be just. But if the inference be made which must be intended, and it be alleged that therefore it is not proper to make that evidence the ground of a charge against him, it is to be considered, that every man whose conduct has been examined, may plead with equal reason the same exemption, and that therefore this argument, since it evidently proves too much, can be fairly allowed to prove nothing.

If the evidence is not irresistible, as indeed it is not, since its force is much abated by the contradictions which have with equal confidence on both sides been maintained, it may still be remarked, that to this defect of proof due attention is shown in this Resolution; for had either part been admitted without regard to the opposite evidence, we must have mentioned by his name the commander to whom this miscarriage is to be imputed. But though it may not be certain, amidst so much contrariety, whom we must condemn for our ill success, it is at least apparent that some commander may be blamed; but which of the two who have been suspected is guilty, is referred to further enquiry.

What candour or moderation can require beyond this, or how any gentleman can expect or wish that his friend should be treated with greater tenderness, I confess

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myself by no means able to conceive. For I believe so well of his integrity, as that he would not shelter any man, how much soever he may love or honour him, by exposing another unjustly. And I know not how the Resolution could be drawn up in any other manner, without injuring the rest of the commanders, by imputing the whole miscarriage to those, who, if we can judge from the depositions which lie before us, can be charged at worst only with part of that misconduct which brought this calamity upon us.

It is well known that those who justify the admiral, generally think the vice-admiral criminal; and that those who are inclined to think the vice-admiral worthy of their favour, throw the miscarriage of our fleets upon the chief commander. Whether each party is not too zealous in the preference of particular persons, I shall not now endeavour to determine; but while there are two parties among us, of which neither will want probable arguments, it is fit that such determinations should be formed, as may in some degree satisfy both, by showing at least that each has been heard with impartiality, and that neither is opposed to gratify the other.

This method of proceeding, which cannot be denied to be equitable, has been observed in the Resolutions which I have taken the liberty to offer to this committee; and though the hon. gentleman should by the prejudices of friendship, be hindered from admitting them, I doubt not but they will be thought sufficiently moderate by those who judge without personal regards, and who being without enmity or kindness to either of the admirals whose conduct has been examined, have no other view in their determinations than the prevalence of truth, and the honour of our country.

Mr. Bowles proposed that a motion might pass to constitute a special court for trying the delinquents, composed of a high admiral, some lords, civilians, and eminent lawyers, besides sea-officers, which was opposed by general Oglethorpe and others, as unconstitutional, and trying a man not only not by his peers, but by incompetent judges.

The Resolutions were then agreed to.

April 19. The Speaker reported his majesty's Answer to the Address of the House relating to the Miscarriage of the British Fleet in the Mediterranean, which was as follows:

"Gentlemen,

"I will give proper orders for the speedy and effectual holding of courts martial, according to your desire. I am sensible how much depends upon preserving an exact discipline in the fleet, and of the necessity there is of bringing to justice such, as have failed in their duty on this important occasion."

April 30. The House resolved, "That the proceedings of the court martial, assembled on board his majesty's ship Torbay, begun the 28th of January 1744, and ending the 5th of February following, pursuant to an order from the commissioners for executing the office of lord high admiral of Great Britain, bearing date the 28th of November 1744, to vice admiral Rowley, for enquiring into the conduct and behaviour of captain Richard Norris in the engagement between the English fleet, under the command of admiral Matthews, and the united fleets of France and Spain in the Mediterranean, on the 11th of February 1743, were partial, arbitrary and illegal."

Speech of Mr. Fonnereau on the Churchwardens Bill.] April 17.

Mr. *Fonnereau* rose and said:*

Sir; I have for some time had thoughts of moving you for leave to bring in a Bill, which, in my apprehension, would effectually put a stop to many enormous and clandestine practices, that affect the properties of a considerable part of this nation. Practices, not only detrimental to the properties of many, but doubly injurious by the manner in which they are exercised. I have deferred making the motion untill this time, as I am not desirous to have such a Bill pass this session: but only to have it brought in, and committed, in order to have the blanks filled up, and to move you afterwards for its being printed, that gentlemen may have time to consider it at their leisure in the country, and that, if they approve it, it may be moved for early the next session.

It is the universal complaint, that we are burdened with taxes; but of none is the burden so heavy, as of those which are raised under the pretence of their being for the Church and the Poor. These taxes might be moderate enough, were they raised only for the purposes pre-

* From the London Magazine.

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tended; but they are often raised to support a set of low oppressors, and to maintain a number of people in idleness and debauchery. Who is so destitute of humanity as not to be willing to contribute to the relief of the poor, the impotent and indigent? But shall we be taxed at the arbitrary will of paltry parish-officers, the tools of justices? Justices, who are in many places the lowest and meanest of mankind; who, without the least share of honesty or property, dishonestly, though legally, dispose of the properties of others. But this House has lately shewn its dislike to such sort of creatures, for counties at large, and has made it an essential point, that justices shall prove themselves possessed at least of a pecuniary qualification.

But shall estates in large parishes, or because it is apprehended they lie within the jurisdiction of corporations, be loaded with a tax of ten shillings in the pound, when two will prove more than sufficient? Must the industrious be always at work for the idle? As the law now stands, it is in the power of two justices, and a number of inhabitants of little or no property, to load the properties of landlords and the more considerable occupiers, their tenants, with a heavy tax, to which they pay little or nothing themselves. It is something strange, the law has so long remained unaltered in relation to one point, I mean, that of leaving to two justices the power of appointing overseers; that is, of chusing stewards for other men's estates. Nothing can account for it to me, but that, in many places, justices will yield to reason; they will suffer the largest contributors to chuse for themselves, the persons they think the most proper to be intrusted with their money. These justices accept such persons, and make the choice of the largest contributors their own. Here indeed the evil is not felt. But, Sir, in corporations particularly, I must say it, obstinate and self-sufficient justices, or justices who mean to make advantage of the power which the law vests in them, will not yield to reason. They will appoint whom they please, how disagreeable soever to those on whom the money is to be raised, to support their own purposes and the cheats of their officers. No man should be a judge in his own case: but in corporations, the appointment of officers, the rates, the accounts, the appeals, nay, the appeals from their own acts, are absolutely in their own hands and before themselves. And who sees not the absurdity of this? Why shall two justices chuse stewards to swallow other men's properties? Can it be supposed, that justices of the peace will chuse with more care and prudence, than persons on whom the tax will be levied, and whose interest it is to chuse the properest persons to keep the tax low? Two justices not only chuse and appoint overseers for one parish, but for several; and may not justices, for want of duly knowing the circumstances of parishes, for the sake of power, from partiality, oppression, malice, or some private end, appoint improper and dishonest officers? The laws relating to the choice of parish-officers, are, of all laws, the most absurd and inconsistent. The people who have a right to chuse members of parliament, have not a right to chuse overseers of the poor; but the meanest people, who have no right to chuse members of parliament, chuse churchwardens; and they by 43 Eliz. are overseers in course.

As to overseers, it is right they should be immediately under the direction of justices, who are the properest persons to stand between them and the poor, whom the justices ought to protect and secure: but surely the parishioners, the principal contributors, are the properest judges who are the fittest to be intrusted with their money, and to be under the direction of the justices. Let an honest and impartial method be established, that will secure the poor, the people, and their property; and let impartial justices, men of property, where they are neutral, decide, where right concerning property is in question. The poors-tax being high does not so much depend on the number of poor as on the management of parish-officers, and on their management depends the increasing or lessening the number of the poor; and the employing them or letting them remain in idleness. Overseers appointed by justices to serve private ends, must be gratified at somebody's expence; they will make a profit of their office, and their worships, who put them in, must indulge them: not at their own cost, but at the cost of those whose purses they make free with. Their keeping a great number of poor in idleness, at the expence of the large occupiers, is not the greatest evil. The exorbitant rates and accounts of overseers, allowed and passed by the justices who appointed them, fall heaviest on those who are chiefly burthened with most other taxes. Now, if so much depends on the

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honesty and good conduct of parish-officers, how necessary is it to secure the choice of proper ones? The tax is not raised by way of head-money, it is rather land-money. It is not on the number of men that the money is raised, but on the value of the tenement which each man occupies. If one man occupies as much as 50 men, he pays as much as 50 men. As the money is raised on the majority in value, the majority in value should have the choice of their own stewards.

The Bill I propose to bring in, to remedy the grievances which we at present labour under, is formed on the plan of the act relating to Bankrupts, of the 5th of his present majesty; a law that was found absolutely necessary to guard against frauds and impositions, to prevent numbers from overpowering reason and value, and to prevent two men from disposing of the properties of many, by appointing stewards for estates at their will and pleasure: a law which has fully answered what was expected from it, and has had the most salutary effects. The design is, to take from two petty tyrants of justices, and three or four parish-officers, the power of directing, awing, and influencing a number of the meaner occupiers to come and support them in their unequal rates and unjust accounts.

This method no way affects elections for members to serve in parliament: for though all will not have equal votes for parish-officers, yet all who are rated to pay, will have votes for members of parliament, as before. The power and liberties of the people are in reality by this method enlarged, by the giving them a liberty, which they have not at present; that of voting for overseers in proportion to what they pay: a rule that must infallibly tend to the good of the whole, and secure the properties of all. It is to reform abuses, to prove a check on the conduct of parish-officers. In short, it is to turn the interest of every parish into its natural channels.

I therefore move you, Sir, "That leave be given to bring a Bill to regulate the Choice of Churchwardens and Overseers of the Poor; and to amend some defects in an Act passed in the 43rd year of the reign of queen Elizabeth, intitled, an Act for the Relief of the Poor."

Leave was accordingly given.

Mr. Speaker Onslow's Speech on presenting the Money Bills.] May 2. The *Speaker*, on presenting to his majesty the several Money Bills for the royal assent, made the following Speech:*

"Most Gracious Sovereign;

"Your faithful Commons do now attend your majesty with their last Bill of Supply for the public service of the present year.

"As their supplies, Sir, are equal to your majesty's demand, so your Commons have made these grants to your majesty, as they judged them to be adequate also to the nature, the importance, and the necessity of the services.

"What your Commons have given, the manner of their gift, and the latitude allowed in the disposition of great part of it, are so many marks of the sense they have of the cause it is for, of the confidence they repose in your majesty for the due application of it, and of the desire they had also, that our enemies might conceive no hopes, from our unexpected disadvantages and most unaccountable disappointments the last year, that this nation was either unwilling, or yet unable, to maintain its own rights and rank, or those of its allies, against the disturbers of Europe, their ambition, and perfidy.

"This is, and always has been, the only object of your Commons in this war; and although it has been pursued by this country against one of our enemies, at an expence beyond our proportion of the danger, compared with that of other states: in places, and in a manner not the most natural to the situation of this country, or where its principal, and genuine, and less expensive strength can be exerted; yet your faithful Commons, Sir, have enabled your majesty to take this large share in the war upon the continent, to be indeed the life and chief spirit of the whole; that the inability of some powers, and the slowness of others, might not make the common cause to become desperate, and thereby give the common enemy the advantage of effecting, without controul, that superiority, which must be tyranny, so long meditated, and now again attempted, and in which, if obtained, the independency of Great Britain may sooner or later be involved and destroyed.

"It is this, Sir, and this alone, that can justify to the people, the imposing upon them the many millions they have already paid in the course of this particular quarrel. God grant that our condition, in the

* From the Commons Journals.

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further progress of it, may not call for a repetition of the same expence. His aid we implore, and we rely on your majesty's wisdom and conduct, and on the expected great consequences of some late very important advantages, that the great armament your Commons have again provided for, and the large subsidies they have enabled your majesty to give to foreign powers, may have that success this year, how much soever it failed in the last, as to bring our proud enemies to reason, and give your majesty the glory of bringing to your country, what we are satisfied is most desired by your royal heart, as it is certainly most wanted by your subjects—a speedy, an honourable, and a lasting pacification.

"To the obtaining of which most desirable end, has the attention of your Commons been most earnestly applied, recommended to them by your majesty, in the strongest and most affectionate manner, and prosecuted by them, with most distinguished zeal and unanimity.

"It was their first and principal care; and, when that was done, they applied themselves with the same serious attention to many other very national concerns, more than has usually been the production of one session. Among others, there are Bills prepared for your majesty's royal assent, to regulate elections of knights of shires; to secure the qualifications of justices of the peace; to give further encouragement to the linen manufactures of Great Britain and Ireland; to pursue the suppressing of excessive and deceitful gaming, that corrupter of mind and morals in the highest as well as the lowest of a people.

"There are other Bills, Sir, to prevent two very growing and reproachful evils to the public; the running in of goods and merchandize to avoid payment of the legal and accustomed duties; and the extravagant use and consumption of French cambricks. Both of them enriching our dangerous rival in trade and power. The first of them grown to an enormity beyond the controul of all law, and carried to the most daring and impudent defiance of all government. The other to an expence and clear loss to the nation of two hundred thousand pounds a year; of no necessity, of no particular conveniency, but the result of humour, and fashion only; and, to our double shame be it spoken, almost the only fashion we do not take from that people of whom we purchase this commodity.

"Some part of the session, Sir, has been employed by your Commons, not unusefully, we hope, to the public, in the most interesting disquisition of all others to this nation.

"The honour of the British flag is most justly deemed the chief honour of the British empire. It has made us the envy and the terror of all other nations. Our annals, and those of our enemies too, bear testimony of its glory in all ages. Some other countries equal, perhaps exceed us in other species of military strength, not in bravery, though in numbers; but the naval power of this island was never exceeded or equalled by any, and is now far superior to the maritime force of any other country whatsoever. In the Mediterranean seas, last year, we were confessedly superior to the united fleets of France and Spain, consisting of the flower and chief strength of both their navies; but, to the astonishment of the world, the enemy escaped almost with triumph, when Providence had thrown them almost into our hands; and the noblest occasion was thereby lost of establishing the greatness of the British navy against all pretence of rivalry, and of deciding, perhaps, in our favour at once, the fate of the whole war.

"Under these circumstances, Sir, unbecoming and unpardonable would it have been in your Commons, not to have made this foul miscarriage the subject of their ancient, constitutional, and necessary power of enquiry into every public service. They entered into it, and pursued it with an impartiality, and with a solemnity, that became their justice and their dignity; worthy of the great national importance it is of, and worthy the royal justice to which they have now appealed. To you, Sir, your people in parliament have deferred this great cause of their country, to give it an examination in legal course of trial, without distinction of persons or degrees; that this stain upon the honour of the kingdom, this disgrace, that raises indignation in the breast of every true Briton, may in some measure be done away, by doing right to the valour and conduct of those who have done well, and by perpetuating, through exemplary punishment, the infamy of the timorous, and the treacherous, and of those who in any manner, thus fatally to their country, have transgressed the rules, and broken the discipline of war.

"Connected in some sort with this enquiry, the late practice of courts-martial

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in the sea service hath fallen under the observation of your Commons: in one of which, they have found such defects and misbehaviour, as are a reproach to the justice of the nation; and, if generally practised, must end in the total overthrow of all military discipline at sea. Towards remedying which so great evil, and indeed scandal to the state, a Bill awaits your majesty's royal assent, to prevent it in some degree; with our hopes, that hereafter a more extensive reformation of these courts will be made by parliament, that the privilege of being tried by persons of the same profession, as a means of protecting the innocent, may not be converted into the base means of protecting the guilty, because they are of the same profession; or for other reasons not less dangerous or dishonourable. The Bills I have in my hands to present to your majesty, are severally intituled, An Act, &c. To which your Commons, with all humbleness, beseech your majesty's royal assent."

The King's Speech at the Close of the Session.] May 2. The King closed the session, with the following Speech to both Houses:

"My Lords, and Gentlemen;

"The zeal, unanimity, and dispatch of your proceedings, having brought the public business to a happy conclusion, and the season of the year being so far advanced; it is necessary that I should put an end to this session of parliament.

"It is a peculiar satisfaction to me, to be able to acquaint you, that, since the beginning of it, the posture of affairs abroad has received a very considerable alteration, to the advantage of the common cause: the late successes of the Austrian arms in Germany, and the conclusion of an accommodation between the queen of Hungary and the elector of Bavaria, have laid the best foundations for a further happy progress. By these events, the influence of France in the empire is much weakened and diminished; and a way is opened, to restore that strength and power to our ancient and natural allies, which will tend greatly to the re-establishment and security of the balance of Europe.

"The resolutions which have been taken by my good friends the States General of the United Provinces, for exerting their efforts in concert with me, and the engagements they have entered into for settling the proportions of forces and expence, cannot fail to give spirit and vigour to the operations of our armies.

"From these good beginnings, I hope, by the blessing of God on the justice of our cause, this campaign will be attended with such success, as to defeat the ambitious and destructive projects of the House of Bourbon, formed against the liberties of Europe, and particularly levelled against my kingdoms: in this view, I am determined, in conjunction with my allies, vigorously to prosecute this just and necessary war, in order to the procuring a safe and honourable peace.

"Gentlemen of the House of Commons;

"I return you my hearty thanks, for the ample supplies which you have so cheerfully granted for the service of the current year; and which, you may be assured, shall be strictly applied to those great and national ends for which they were given.

"My Lords and Gentlemen;

"I entirely rely on your duty, fidelity, and good affections, of which I have had so many convincing proofs: let it be your care to cultivate and promote the same good dispositions in your several countries, to support my government, and to preserve the peace and good order of the kingdom; as it shall ever be mine, to advance and secure your lasting prosperity and happiness."

Then the Lord Chancellor, by his majesty's command, prorogued the parliament to the 20th of June. It was afterwards further prorogued to the 17th of October*.

* The sanguine expectations of the people, that the change of ministers would introduce a more favourable system of affairs, were soon disappointed. The attempts to stimulate the Dutch republic to more vigorous exertions failed of success; and the embassy of lord Chesterfield, from which wonders were expected, produced little effect. The discordant interests and views of the coalesced powers, the haughtiness and obstinacy of the Austrian court, the dilatory proceedings of the Dutch, and the inefficient measures pursued by the English cabinet, were unequal to the vigour and promptitude of the French and Prussians. The events of 1745 were equally disastrous both at home and abroad. The powers allied against the House of Bourbon and Prussia were defeated in Germany and Italy; the fatal battle of Fontenoy secured to the French the conquest of the greater part of the Netherlands; and these misfortunes were only counter-balanced on the

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FIFTH SESSION
OF THE
NINTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech at the Opening of the Session.] October 17, 1745. The King opened the Session with the following Speech to both Houses:

"My Lords, and Gentlemen;

"The open and unnatural Rebellion which has broke out, and is still continuing, in Scotland, has obliged me to call you together sooner than I intended; and I shall lay nothing before you at present, but what immediately relates to our security at home, reserving all other considerations to a farther opportunity. So wicked and daring an attempt, in favour of a Popish Pretender to my crown, headed by his

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continent by the elevation of Francis, husband of Maria Theresa, to the imperial throne, and the peace of Dresden, which detached Prussia from France. At sea the naval exertions were, as usual, spirited and successful; and the important capture of Louisbourg signalised the British arms in America.—At home, a rebellion broke out in Scotland, where the young Pretender landed in the month of June, and was joined by the highland clans. After totally defeating sir John Cope at the battle of Preston Pans, he took possession of Edinburgh, and rapidly advanced into the northern provinces of England. Scotland was unprotected by troops, and even England scantily provided; the king was in Germany, the duke of Cumberland at the head of the British army in Flanders, and the ministry, divided and distracted, were incapable of adopting instant and decisive measures. This alarming situation of public affairs, and the weak state of the cabinet, are fully displayed in some private letters written by Mr. Pelham and Mr. Fox:

Mr. Pelham to Archibald duke of Argyle. [Campbell Papers.]

"My lord, *August* 20, 1745.

"I had a letter from general Cope, who I am sorry to see in such distress and perplexity; your advice is great comfort to him; but as he is not likely to have the benefit of that long, I own I am in pain for him. I have endeavoured to keep up his spirits as well as I can. I am not so apprehensive of the strength or zeal of the enemy, as I am fearful of the inability or languidness of our friends. I see the contagion spreads in all parts; and if your grace was here, you would scarce in common conversation meet with one man who thinks there is any danger from, scarce truth, in an invasion at this time. For my part, I have long dreaded it, and am now as much convinced as my late friend lord Orford was, that this country will be fought for some time before this year is over. Be that as it will, we must do our best; but nothing can go on right till the government has a head, which I hope it will not long be without; for lord Harrington was to set out from Hanover last Friday, and the king intended to follow him in a very few days.—Ostend, you see in the newspapers, has capitulated; the garrison is saved; but, to our great surprise, the duke sent lord Crawfurd and Jack Mordaunt thither, with orders rather to carry the troops to Flushing than England. We immediately sent to Flushing to stop their going from thence to the army in Flanders, and this day have sent positive orders to four regiments to come here, to the river; and the fifth, being the Scotch fusileers, commanded by Jack Campbell, is ordered to Scotland, to strengthen sir John Cope's army, and to recruit itself in that country. I don't doubt but your grace will approve of this exertion of power in the lords' justices; it is the only instance which we have exerted to any real use. Lord Tweedale tells me there are no warrants directed from hence for the seizing any one, except lord Perth; a general recommendation, both to the advocate and justice-clerk to issue warrants against any persons that they shall have reason to suspect, is all he knows of. What the truth is, of this, I can't pretend to say.—Other public affairs remain *in statu quo*; when the king comes, every thing will and must unveil itself. These are not times for doubts; and if I see right, our master will be of the same opinion. How he will determine, time will shew."

Extracts of Letters from Mr. Fox to Sir Charles Hanbury Williams. [Hanbury Papers.]

"September 5, 1745. The rebels are got 24 miles on this side Cope, and are in full march to Edinburgh, or still farther south. There are four men of war and 30 transports at Dunkirk. No account of the Ferrol, or part of the Brest squadron. This news has at length forced the sending for ten battalions of English, which were sent for, by express, last night: a counsel that has prevailed with the greatest difficulty, and is blamed by Granville, as it was opposed by lord Tweedale. The latter did not, ten days ago, believe the Pretender's son in Scotland; and the duke of Argyle left it because he was there, as the duke of Athol has his house and estate and clan to his elder brother, and is set out for Edinburgh, on a message from lord Tullibarden to get dinner, &c. ready for him by such a day. England, Wade says, (and I believe,) is for the first comer; and if you can tell whether the 6,000 Dutch, and the ten battalions of English, or 5,000 French or Spaniards, will be here first, you know our fate."

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eldest son, carried on by numbers of traiterous and desperate persons within the kingdom, and encouraged by my enemies abroad, requires the immediate advice and assistance of my parliament, to suppress and extinguish it. The duty and affection for me and my government, and the vigilant and zealous care for the safety of the nation, which have with so much unanimity been shewn by my faithful subjects, give me the firmest assurance that you are met together resolved to act with a spirit becoming a time of common danger, and with such vigour as will end in the confusion of all those who have engaged in or fomented this Rebellion.

"I have, throughout the whole course of my reign, made the laws of the land the rule of my government; and the preservation of the constitution in church and state, and the rights of my people, the main end and aim of all my actions: it is therefore the more astonishing, that any of my Protestant subjects, who have known and enjoyed the benefits resulting from thence, and have heard of the imminent dangers these kingdoms were wonderfully delivered from by the happy Revolution, should by any arts and management be deluded into measures, that must at once destroy their religion and liberties, introduce Popery and arbitrary power, and subject them to a foreign yoke.

"Gentlemen of the House of Commons;

"I rely on your affection to me, and your care and concern for our common safety, to grant me such a Supply, as may enable me entirely to extinguish this Rebellion, effectually to discourage any foreign power from assisting the rebels, and to restore the peace of the kingdom; for which purpose, I will order the proper Estimates to be laid before you. Amongst the many ill consequences of this wicked attempt, the extraordinary burthen which it must bring upon my faithful subjects very sensibly affects me: but let those answer for it, whose treason has occasioned it; and my people be convinced what they owe to those disturbers of our peace, who are endeavouring to make this kingdom a scene of blood and confusion.

"My Lords and Gentlemen;

"The many evident proofs this parliament has given of their duty, fidelity, and affection to me, and of their steady adherence to the present happy establishment, and the true interest of their country, make me repose myself entirely on the zeal and vigour of your proceedings and resolutions. I am confident you will act like men, who consider that every thing dear and valuable to them is attacked; and I question not, but, by the blessing of God, we shall, in a short time, see this rebellion end, not only in restoring the tranquillity of my government, but in procuring greater strength to that excellent constitution which it was designed to subvert. The maxims of this constitution shall ever be the rules of my conduct. The interest of me and my people is always the same, and inseparable. In this common interest let us unite; and all those, who shall heartily and vigorously exert themselves in this just and national cause, may always depend on my protection and favour."

*Debate in the Lords on the Address of Thanks**.] His majesty having retired,

Lord *Halifax* rose and said:

My lords; the present situation of Europe, as well as of this nation, is so melancholy, and the circumstances of both so precarious as well as notorious, that what I am to propose does not stand much in need of explanation or enforcement. The liberties of Europe have been upon the very brink of destruction, and, notwith-

"September 19, 1745. The rebels advance towards England, having passed the Frith above Stirling. Three battalions of Dutch (landed yesterday) began their march on Saturday for Lancashire. They are to be joined by the few English troops, quartered near their march, and are commanded by Wentworth. On Monday last none of lord Tweedale's friends, or rather none of the Scotch, would believe this; but called them rabble, and it was a farce. As they are by this time, perhaps, as I hope, plundering and burning Tweedale's estate and houses, I fancy he will think they might have as well been looked after sooner. Though I hear lord St* * * * even yesterday opposed sending these Dutch, which Dutch will not act against French, if French come. They are not come, God be thanked! and I think now it would be too late. But had 5,000 landed in any part of this island a week ago, I verily believe the entire conquest would not have cost them a battle. * * * * Every domestic matter is such as could not be explained in other than an extreme long letter, and must not be wrote in any. Imagine every thing in confusion; obstinate, angry, determined impracticability throughout; and then know that the parliament is to meet for business the 17th of next month." See Coxe's Memoirs of Horatio lord Walpole.

* From the London Magazine.

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standing all our endeavours, are still in the utmost danger. I am sorry to mention the bad success we have had in restoring and securing them. Particularly, the fatal affair of Fontenoy must remain deeply imprinted upon the heart of every true Englishman, and must inflame him with a desire to revenge the repulse we there met with, which the experience of that day must encourage us to expect, as soon as we can find an opportunity to engage the enemy upon equal terms; for our being then repulsed did not proceed from the bravery of their troops, but from the impracticability of the situation they were in, and the necessity we were under to attack them in that situation.

But, my lords, whatever bad success we may have met with in securing the liberties of Europe, I hope we shall meet with good success in securing our own against the attempt now on foot for their destruction —an attempt which must be deemed most flagrantly wicked, when we consider the whole tenor of his majesty's reign. Was there ever a time, was there ever a country, where the subject enjoyed more indulgence, more ease, more security with respect to his religion, liberty, and property, than the subjects of this nation have enjoyed during the whole course of the reign of our present sovereign? With regard to religion, have not all sects enjoyed that plenary indulgence allowed them by the laws of their country?—Could it have been imagined, my lords, that so much wickedness could have been conceived in the heart of man? Could it have been imagined, that so many would have proceeded so far in such a wicked attempt? That in this attempt they have been underhand encouraged by the French, I do not in the least question. Those disturbers of the peace of Christendom will not, we know, boggle at any wickedness, if it can contribute towards the success of their ambitious projects. But lately they fomented and raised a civil war in Germany: nay, they openly and avowedly abetted it, though they had but just before solemnly, and for a valuable consideration, promised the contrary; and now they have done the same here, though not in so open a manner, because it was not in their power. From them, indeed, we could expect no less; but after the fate of the civil war in Germany, it was surprising that any subject of Great Britain should depend upon French promises. My lords, I shall not detain you longer, but conclude with moving,

"That an humble Address be presented to his majesty, to return him the thanks of this House, for his most gracious Speech from the throne; and to congratulate his majesty on his happy return into this kingdom.—To express our utmost detestation and abhorrence of the unnatural Rebellion which has broke out, and is still carrying on, in Scotland; and to assure his majesty, that this traitorous and desperate attempt shall have no other effect upon our minds, but to excite in us such a spirit of resolution and unanimity, as, by the Divine Assistance, may not only suppress this Rebellion, but confound and extinguish for ever all future hopes of the Pretender and his adherents.—To thank his majesty for his gracious approbation of those proofs of loyalty and affection which have been already shewn by his faithful subjects; and to beseech him to look upon them as an earnest of the united zeal and vigour of his parliament, in the cause of his majesty and their country.—Thankfully to acknowledge his majesty's paternal regard for the laws of the land, our constitution in Church and State, and the rights of his people; and to assure his majesty, that this House is thoroughly convinced that the continuance of these blessings does, under God, entirely depend on the preservation and support of his sacred person and government, and of the Protestant succession in his royal family.—To give his majesty the strongest assurances, that, in the defence of his majesty and of these invaluable interests, we are resolved to unite and to hazard our estates and our lives; that from this resolution we will never depart, but will heartily and zealously concur in all such measures as may most effectually conduce to extinguish this Rebellion, to deter any foreign power from presuming to support it, to restore the tranquillity of his government, and to add strength to that excellent constitution which this flagitious attempt is intended to subvert."

Lord *Ilchester*;

My lords; the noble lord has spoke so fully, and with such energy, in support of what he has been pleased to move, that he has left me very little to say upon the subject. However, as I stand up to second his motion, I shall beg leave to add something of my own, though I am persuaded your lordships stand in need of no arguments for inducing you to agree unanimously to what has been proposed; because it is so evident, that our unanimity

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upon this occasion will discourage our foreign enemies from giving our domestic any assistance; and if we can prevent the rebels from having any foreign assistance, we have no occasion to be terrified with their numbers at present, or with any number that may hereafter join them; for no man can doubt but that a vast majority of the people in the northern as well as southern parts of this kingdom are well affected to our present most gracious sovereign. It is indeed impossible to suppose, that any Protestant who has read and duly considered the history of the oppressions of the reign immediately preceding the Revolution, and of the usurpations of the Roman Catholics during that short reign—I say it is impossible to suppose that any such Protestant can be inclined to subject himself to such another government; therefore, we cannot suppose that the numbers of the rebels will ever become so considerable as to be dangerous: and this I am so fully convinced of, that if the affairs of Europe were not in such a ticklish situation, I should be glad to hear of their being more numerous than they are; I should even wish they were joined by every Jacobite in the kingdom, that we might from thence be able to distinguish those that are enemies to our present happy establishment, and might have an opportunity to extirpate them, or to bring them under such subjection as to secure the peace of his majesty's faithful subjects during the residue of his reign, which has been, and, I am sure, will always be so just and mild, that it never was, nor never can be disturbed by any but such as are enemies to the religion and liberties of their country.

As I am no way terrified, my lords, at the number of the rebels, so I am not at all terrified at the success they have met with. On the contrary, I look upon it as a dispensation of Providence in our favour. Providence, I believe, my lords, gave them that success, in order to draw them from their native mountains and fastnesses, that in the plain country they may become an easy sacrifice to his majesty's just vengeance. But when I talk of the success of the rebels, my lords, I cannot help taking notice of the surprising incredulity that has prevailed in this country for a long time after the rebellion first broke out; so general was the incredulity here, that people would hardly believe the Pretender's son was in Scotland, even when he was at the gates of Edinburgh. At first, indeed, I did not wonder at people's incredulity; his majesty's government has been so easy to all sorts of men—even the Papists and Nonjurors have met with so much indulgence, that it could not be easily believed, that the Pretender, or either of his sons, would think of landing in any of the British dominions, without a considerable foreign force for his support; and much less could it be believed, that any of his majesty's subjects, who were living in such ease and security at home, would give him encouragement so to do, by promises to join him upon his landing.

This, my lords, was, perhaps, the reason why the government was so ill provided with a sufficient military force in the north of Scotland, to oppose the rebels at their first appearance in arms, and was a reason for the incredulity that at first prevailed among the people here: but the long and obstinate continuance of that incredulity convinces me, that even here in England the rebels have many friends, and that by them this incredulity was propagated among the people, in order to prevent the friends of the government from taking proper measures for their own security. Your lordships have, therefore, great reason to shew the utmost unanimity upon the present occasion, and to express your zeal for the support of our present happy establishment, in the strongest terms that our language will admit of. My noble friend has, in my opinion, made an excellent choice, and for that reason I stood up to second his motion: but if any of your lordships can add strength to his expressions, I shall readily agree to whatever may be proposed for that purpose. All I desire is, that you may, upon this occasion, appear as zealous and unanimous as possible, because it will prevent the rebels from being joined by any of their friends in England; and this I desire, not from any apprehension I have of the event, supposing they were joined by all the friends they have here; but because I think it may tend towards putting a more speedy end to the rebellion, which, in the present situation of the affairs of Europe, is of the utmost concern to this nation.

If I thought otherwise, my lords; if I thought the event of the present rebellion in the least doubtful, I should then, indeed, be under the most terrible apprehensions: I should think the life and estate of every lord in this House at stake: for I am convinced, no one of your lordships would submit to hold either life or estate upon

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the abject terms of being the slave of Popish priests and French favourites. Nay, supposing we were in no danger of Popery or slavery, yet I should dread the consequences of this rebellion's being crowned with success; for the old maxim is certainly a true one, "Regnabit multo sanguine, qui ab exilio in coronam venerit."

My lords, it is not the present situation of our domestic affairs alone, that requires our unanimity and zeal upon the present occasion; the situation of our foreign affairs renders it equally necessary for us to convince the world, that we are firmly resolved to support his majesty against his domestic as well as his foreign enemies. Your lordships are all, I believe, convinced, that if an effectual stop be not put to the ambitious views of the House of Bourbon, the liberties of Europe must be undone; and, I believe, you are all equally convinced, that no effectual stop can be put to the views of that House, without the powerful interposition of this nation. Could this be expected from the Pretender, should he be advanced to the throne of these realms? No, my lords; for the sake of enslaving us, and cramming his own superstitious religion down our throats, he would certainly follow the footsteps of his father; rather than be interrupted in this design, he would join with that ambitious House in forging and rivetting the fetters of Europe; and, therefore, if our allies abroad, or those who may now incline to be our allies, should see the least cause to suspect such an event, they would despair of being able to oppose the present schemes of France; consequently, every one of them would endeavour to make the best terms they could for themselves, and trust to Providence for what might happen hereafter.

From hence, my lords, we may see the danger of giving the powers of Europe the least cause to suspect, that the rebellion in Scotland is countenanced by any party in this House. Such a suspicion would put an immediate stop to that influence which his majesty may be supposed to have in the courts of Europe, and would not only prevent our acquiring any new allies against France, but would detach from us all or most of those allies that have now declared openly in our favour: the queen of Hungary and the king of Sardinia would be obliged to submit to such terms of peace as should be prescribed to them by the House of Bourbon; the emperor would become a sort of vicegerent under the court of Versailles; and the Dutch would blindly follow the directions of that court, in order to prevent their country from being over-run, and to preserve that shew of sovereignty they are now possessed of.

If Europe should be reduced to these melancholy circumstances, our zeal for the support of our present happy establishment would be of very little signification; for though his majesty should get the better of the present rebellion, he would either be obliged to hold his crown as a fief of the kingdom of France, or the Pretender would be imposed upon us by the united force of Europe, which is certainly a force that we could not resist. Even our navy, my lords, would, in such a case, prove but a feeble defence: for if the French should get the supreme direction of all the courts in Europe, it would soon be in their power to over-match us at sea; and then they might send the Pretender with such a numerous army as would prevent any opposition. But all these fatal consequences will, I hope, be prevented by your lordships unanimously agreeing to those warm testimonies of your zeal which my noble friend has so seasonably proposed.

The Earl of *Westmoreland*:

My lords; I do not rise to oppose the motion now before you, or to propose any amendment, but to put your lordships in mind of your duty. I wish the spirit of our ancestors could be revived. If it were, your lordships would not think so much of making a Carmen Seculare, now become so usual at the beginning of every session, as of performing your duty to your king and country, by giving his majesty your best and most sincere advice. I shall always be ready to give a testimony of my zeal for my country's honour and my sovereign's service; but I despise that sort of testimony, which is more proper for a drawing-room than for this assembly. Fawning expressions and well-turned periods of praise may come well enough from a page of the back-stairs, but are below the dignity of a lord of parliament. It is now, my lords, no time for dissimulation. We are the hereditary counsellors of our sovereign, and not only have a right, but are in duty bound to offer him our advice in all arduous affairs. This should be the testimony, this would be the most proper testimony of our zeal for the support of the present happy establishment; there-

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fore, I wish the noble lord had concluded his motion with recapitulating some of those Grievances which the people have long complained of, and with an advice to his majesty, that it is now become necessary to give them some satisfaction.

The spirit which, upon the present occasion, has appeared so generally without doors, could not but be agreeable to every man who has a regard for our present happy establishment: but, my lords, if we consider from whence that spirit arose, we must conclude, that its continuance is not to be depended on, unless a beginning, at least, be made in giving satisfaction to the people with respect to those grievances they have so long, so loudly, and so generally exclaimed against. What is the reason that has made the people appear so unanimous and so zealous in support of his majesty's throne, against the attempt now carrying on for its overthrow? It is, my lords, the regard they have for the constitution and liberties of their country. They think they can have no dependence upon the promises made them by the Pretender: but they have hopes that his majesty will take the first opportunity to remove every grievance which may be of dangerous consequence to their liberties. If they should at this crisis find themselves disappointed in these hopes, it may force them into a dependance upon those promises; and the consequence of this might be fatal to his majesty and his family. Is not this a danger which his majesty ought in common prudence to prevent? Can any thing be a greater testimony of our zeal for his support, than our advising him to prevent his being exposed to this danger?

When I talk of grievances, I cannot but observe a sort of conduct in some lords which to me seems very extraordinary. When they are not employed in his majesty's service, they shew a due respect to their sovereign by avoiding as much as possible to bring his name into any question that happens in this House; but as soon as they are employed by his majesty, that is to say, as soon as he has given them any beneficial post or employment, they lose that respect, and endeavour to bring his name into every debate. This is the very case at present. The noble lord who made you this motion, has given us such an encomium upon his majesty's reign, that if it were to be applied to ministers, it would be ridiculous to talk of grievances: but I am persuaded the noble lord did not mean it so, because I have heard him complain of the conduct of some late ministers as bitterly as any lord in this House. I must therefore beg leave to drop his majesty's reign, which, so far as relates to his own personal conduct, has certainly been most mild and just; and if it were possible for him to govern without ministers, I am persuaded his people would never have any grievance to complain of: but surely that noble lord will not say, that the people never had a just ground of complaint against any of our late ministers. Is it not notorious, that state crimes of a very heinous nature have been committed by ministers? Is it not as notorious, that those ministers have been protected and screened from public justice by the influence of other ministers? Is it not apparent that our constitution is in the most imminent danger of being undermined and blown up by ministerial corruption? And have not all provisions against that sort of corruption been rejected by the influence of those who had made, or intended to make it the chief support of their administration?

I shall grant, my lords, that our ministers have given a most plenary indulgence to all sects of religion, and even to that sect which pride themselves in professing to have no religion. Whether they may claim this as a merit, I do not know; but I am sure they cannot claim as a merit, their having given such a plenary indulgence to Roman Catholics: for though I shall always be against persecuting those who have the misfortune to be bred up in that religion, yet I think our government ought to take as much care as possible, that his majesty's subjects may not be bred up in, or converted to, that religion. This they ought to do, not so much from a religious as a political consideration; because by the very principles of that religion, though those that profess it may be quiet, they can never be faithful subjects to his majesty; yet, under a late administration, we know that those of that religion were as much indulged as if their religion had been comprehended in our Act of Toleration. The resort to the popish chapels of foreign ministers was openly permitted; many private mass-houses, though well known to be such, were indulged, and multitudes of priests and jesuits were allowed to spread themselves over the whole island. Nay, the minister seemed to have entered into an alliance with the Roman

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Catholics, the conditions of which were, that if they would support him in elections, he would, by his sole authority, suspend all the penal laws against them. This was certainly very disagreeable to the people; and from what has now happened, we may judge whether it was agreeable to his majesty's service.

Our ministers therefore, my lords, have no great merit to plead from the indulgence they have allowed to all sects of religion. That which was established by law they were obliged to allow; and that which they have allowed contrary to law, was inconsistent with his majesty's service, as well as disagreeable to a great majority of his people. Then as to the ease and security which the people have enjoyed with respect to their liberty and property, do our ministers plead merit from their not having been guilty of murders, robberies, or false imprisonments? Are such crimes committed by ministers in any arbitrary government whatever? But can it be said, that the people of this nation enjoy ease in their properties, when they are more heavily taxed than the people of any country under the sun? Can it be said, that the ease of the people was considered by those ministers who were every year loading them with the expence of useless standing armies, and more useless Spithead expeditions? Perhaps it may be said, that the present Rebellion must convince us that standing armies are not useless; but, in my opinion, it is a clear proof of the contrary. If care be taken to preserve the affections of the people, and to have a well-disciplined and well-armed militia in every part of the island, it will always be more effectual than a standing army, for preventing invasions or insurrections: because we cannot have a numerous standing army in every corner of the kingdom. But our conduct has been quite the reverse: we have continued and increased the disaffection in that part of the country where the rebellion broke out, by disarming the people, friends as well as foes; and we withdrew all our troops from thence, at a time when our ministers could not but know that our enemies would send arms to the disaffected, and that our friends in that country had no arms to defend either themselves or us. I shall not affirm, my lords, but I must say, that such a conduct looks as if our ministers intended there should be a rebellion in that country.

But to return, my lords, to that ease and security which the people have enjoyed in their liberties and properties. Surely, when the noble lord made this a part of his encomium, the Spanish depredations had slipt entirely out of his memory. If the people enjoy security against domestic depredations, it proceeds from the prudence and diligence of our judges and ministers of justice; but against foreign depredations they can be secured only by our ministers of state: and when we consider that the most valuable part of our people, meaning our merchants and seamen, were, for almost 20 years together, plundered by the Spaniards with impunity, can we applaud our ministers for the care they have taken, that the people should enjoy their properties in security? If the personal liberty of private men be better secured in this country than in most others, no thanks to any of our late ministers, because it is owing to a law which was established before most of them were born; and it is a law which they have taken care to get suspended as often as they could find the least pretence for so doing: therefore, I would not advise any lord to boast much of their regard for the personal liberty of private men, because we may very soon see a Bill brought before us for suspending that salutary law upon this occasion, though there is now no more necessity for it than there often was in the reigns of king William and queen Anne, during all which time it was never once suspended, except for six or seven months just after the Revolution.

But of all things, my lords, I am most surprised to hear it said, especially by the noble lord who made you this motion, that our ministers have never of late years made use of the prerogative for invading the liberties of the people. I wish the noble lord had left his assertion for his noble friend who seconded the motion: but let it be asserted by whomsoever it will, no man can agree to it, who has ever read the late famous Report of the Secret Committee of the other House. Does it not from that report appear, that the public money, and the posts and places in the disposal of the crown, were lately made use of for corrupting the elections of members of parliament? Was not this making use of the prerogative for invading the liberties of the people? Was it not one of the most dangerous sorts of invasion that can be made upon the liberties of the people? My lords, when any bad use

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is made of his prerogative, we are never in this House to lay it to the charge of our sovereign; and in this case, I am convinced that his majesty knew nothing of the bad use that was made of his prerogative. If he had it would be inconsistent with our constitution to say so: therefore his majesty's name ought never to be introduced into any of our debates.

I wish both the noble lords had saved themselves the trouble of making such high encomiums upon our late conduct; for I am sensible, that at the present crisis it is not very prudent to rip up old sores, or to remind the people of their grievances: but when some lords assert so generally and so positively, that no wrong thing has been done by our ministers during the whole course of his majesty's reign, it becomes the duty of those lords who think otherwise, to give their opinion, and the reasons for their opinion. As I am one of those who have no great opinion of the conduct of any of our late ministers, when I heard their conduct so highly applauded, I thought it my duty to declare my opinion; and the performance of this duty I thought the more necessary, because we cannot, upon this occasion, give his majesty a proper advice, without examining into the past errors of his ministers. When our house is on fire, surely the first thing we ought to do is to remove all those materials that may contribute towards increasing the conflagration, especially when the removal of such materials can no way obstruct or retard our extinguishing the flames in that part already on fire.

Whilst the rebellion is in its infancy and at a distance, the people may have their reasons for appearing very loyal, and may have reasons which are not so much founded on principles of loyalty as upon principles of self-interest: but do your lordships think, that a people who have for 20 years been complaining of grievances, will sincerely, heartily, and generally join in supporting a government that does not appear inclined to give them any redress? We know, my lords, what the people murmur at, we know what dangers they think they are exposed to, and we know the laws they think necessary for guarding against those dangers. At this crisis, let us begin with doing justice to the public, and with passing those laws which for 20 years the people have generally been crying aloud for. Let us advise his majesty that such things are now become absolutely necessary, and I hope the ministers will second our advice. The noble lord talked of the ingratitude of the rebels. When he mentions ingratitude, he should think of what the ministers will be guilty of, should they refuse to give satisfaction to the people. The people have generously and generally resolved to support them against the present rebellion; though I am sure it cannot be said, that the people had reason to put any confidence in our ministers, either of the new or old stamp. When the people have shewed so much generosity, and have placed such an unmerited confidence in our ministers, surely, it would be the utmost ingratitude in them, not to concur in any measures that might give satisfaction to the people, with respect to the dangers they think their liberties now exposed to.

None of your lordships can be ignorant that, before the breaking out of the present rebellion, the chief danger apprehended by the people without doors, was that of a corrupt dependency in parliament: and whilst the people suspect that both Houses are under a corrupt dependency upon the crown, it signifies very little to tell them, that parliaments are every year regularly assembled; for if that be the case, the liberties of the people can derive no greater security from the regular meetings of parliaments, than from the regular meetings of the cabinet council. The people in France might, in that case, insist upon having as much liberty as the people in England; because in France their parliaments, or conventions of the states, meet as regularly as the parliaments do in England. Therefore, it can signify very little to tell the people, that we have every year had parliaments regularly assembled; and while this suspicion remains, it can signify still less to tell the people of his majesty's being ready to redress every grievance presented to him by either House of Parliament; because if both Houses be under such a dependency, every man of common sense must foresee, that no grievance will ever be laid before his majesty by parliament, unless it be such an one as the ministers themselves have resolved to get redressed; consequently, the people in this country could have no greater security for the redress of any grievance than the people have in France, or in any other arbitrary government.

From hence, your lordships cannot but see that this apprehension must have great

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weight with every thinking man in the kingdom; and though here about London it may be over-balanced by the apprehensions people have from the success of the rebellion with respect to their property in the funds; yet in the country, I fear, it is not so, or at least, that it will not be generally so, should people see a few weeks of this session pass over, without any thing effectual being done for securing them against a corrupt dependency in parliament. The people have most heartily and unanimously declared for supporting his majesty's government; but I am persuaded, this was in a great measure owing to their hopes that, as soon as the parliament met, some proper laws would be passed, for removing those grievances they have so long in vain complained of, and for obviating that danger they so justly apprehend. If they should find themselves disappointed in those hopes, God knows what effect it may have upon the minds of the people, what a turn it may give to the spirit which now so luckily prevails; therefore, I think we should even in our Address upon this occasion insert something for giving the people an assurance, that some such laws will be passed in the course of this session; and this may be very properly done, by offering it as our advice to his majesty, that immediate satisfaction ought to be given to the people, with respect to all those grievances they think themselves subject or exposed to. This will contribute more towards strengthening his majesty's influence at foreign courts, than any eulogium we can compose; for that influence must always depend upon the opinion foreign courts have of the union between his majesty and his people: and however extravagant some may think fit to be in the expressions of their zeal upon the present occasion, no foreigner of common sense will believe those expressions to be generally sincere, or that union to be lasting, if he sees no step made towards removing those grievances, which he knows the people have been murmuring at for above 20 years.

My lords, I have upon this occasion laid my sentiments before you with the more freedom, because I hope no one will suspect my zeal for the support of our present happy establishment. Revolution principles are those I have always professed, and upon these principles I must think it my duty, at such a dangerous conjuncture, to talk freely, as well as sincerely, to my sovereign. I never pretended to any knack at panegyric-making; but were I as good at it as Pliny, Boileau, or any of those mercenary panegyrists that are usually entertained by arbitrary sovereigns, I should think that, at such a dangerous crisis, a sincere and right advice would be a better testimony of my zeal for my sovereign's service, than the most elegant and best-turned panegyric, upon the wisdom, the justice, the mildness, and lenity of his reign; and, I am sure, it would be much more consistent with the dignity of this House, and more conformable to the example of our ancestors upon all such occasions.

The Lords' Address of Thanks.] The following Address was then agreed upon:

"Most gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty our humble thanks, for your most gracious Speech from the throne.

"As we felt the utmost concern upon the breaking out of the unnatural rebellion which is still carrying on in Scotland; so our joy on your majesty's safe and happy return into this kingdom, agreeably to the ardent wishes of your people, is proportionably augmented. We want words to express the just indignation and abhorrence which rise in our breasts, at so wicked, traitorous, and desperate an attempt, in favour of a Popish Pretender to your crown, whose groundless claim we have unfeignedly abjured, and whose principles and designs we do from the bottom of our hearts detest: and we beg leave to assure your majesty, that this rash and presumptive enterprize shall have no other effect upon our minds, but to excite in us such a spirit of resolution and unanimity, in this critical conjuncture, as, by the Divine Assistance, may not only suppress this rebellion, but confound and extinguish for ever all future hopes of the Pretender and his adherents.

"The many evident proofs of true loyalty and affection to your majesty, and zeal for your government, which have been already shewn by your faithful subjects, with an union and cheerfulness never known before, unless at the happy Revolution wrought by our great deliverer king William the Third, are clear demonstrations, that this nation is determined to preserve the structure built upon that glo-

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rious foundation: vain indeed must be the expectations of those, who can imagine we would part with it. As your majesty has been pleased graciously to accept and approve these beginnings, we beseech you to look upon them as an earnest of the united zeal and vigour of your parliament in the cause of your majesty and their country.

"It is with hearts full of the sincerest gratitude, that we acknowledge your majesty's paternal regard for the laws of the land, our constitution in church and state, and the rights of your people; and it is with the deepest conviction that we declare to your majesty and the whole world, that the continuance of these blessings does, under God, entirely depend on the maintenance of your majesty's undoubted title to the crown of these realms, the support of your throne, and the preservation of the Protestant succession in your royal House. Whoever can entertain a thought of exchanging those just rules of government, bounded by the laws and maxims of this free constitution, for the exercise of tyranny and arbitrary power learned in the most despotic courts of Europe, and of parting with the purest religion in the world for the superstition and persecuting spirit of Popery, must be the most abandoned of mankind.

"Warmed with these moving sentiments, and unshaken in these principles, we give your majesty the strongest assurances that, in defence of your sacred person, and of all those invaluable interests which we have already described, we are stedfastly resolved to unite, and to hazard our estates and our lives; that from this resolution we will never depart, but will heartily and zealously concur in all such measures as may most effectually conduce to extinguish this rebellion; to deter any foreign power from presuming to support it; to restore the tranquillity of your majesty's government; and to add strength to that excellent constitution, which this flagitious attempt is intended to subvert.

"May the Divine Providence guard and protect your majesty's precious life, give success to your councils and arms against all your enemies, and stability to your throne!"

The King's Answer.] The King returned this Answer:

"My Lords;

"I return you my hearty thanks, for the affectionate and warm assurances of duty and loyalty which you have unanimously given me in this Address. Your concern for the preservation of our excellent constitution in church and state, is as agreeable to me, as the zeal you express for me and my government. I entirely rely upon both; and doubt not but, by the blessing of God and your assistance, this unnatural Rebellion will be defeated, and the peace and tranquillity of my kingdoms restored."

*Debate in the Commons on the Address of Thanks.**] The Commons being returned to their House,

Mr. *Henry Legge* rose and said:†

Sir; I rise up to undertake, what I know I am very little able to execute; but I am prompted by my zeal for the support of our present happy establishment; and encouraged by my being sensible, that the same laudable zeal warms the heart of every gentleman who hears me. My zeal will therefore, I hope, be an excuse for my incapacity, as well as presumption; and if I should be any way defective in what I am going to propose, I make no doubt of the defect being supplied by some of those who are blessed with a greater capacity, and more knowledge in parliamentary affairs. From this prelude gentlemen must perceive, that I am going to propose an Address by way of answer to his majesty's most gracious Speech; and though, in general, a ready concurrence may be expected upon this most remarkable occasion, yet that no gentleman may think himself surprized, I shall previously explain every article I intend to propose, and give such reasons for those that may appear extraordinary, as, I hope, will pro-

* From the London Magazine.

† The hon. John Maule to Mr. Etough, London, Oct. 18, 1745. "Yesterday the Parliament met. Both Houses voted *nem. con.* a very loyal Address to his Majesty. Lord Westmoreland spoke about Grievances in the House of Lords. Sir Francis Dashwood moved an Amendment in the House of Commons to the Address proposed upon the same key, which he afterwards withdrew; but having been seconded by sir J. Philips, who would not depart from it, the question was put upon it, being carried in the negative. The Address, as it was at first moved, was carried unanimously. The Commons, I think, are resolved to enquire into the Causes of this Rebellion in Scotland, and the surprising progress it has made." MSS. Brit. Mus. 4326, b.

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cure an unanimous approbation; for at such a formidable crisis, I should be sorry to offer any thing that might occasion the least opposition or altercation.

To return his majesty thanks for his most gracious Speech, and to congratulate him upon his happy return to these kingdoms, are compliments of course, which stand in need of no explanation, nor of any arguments to enforce them. But with respect to the Rebellion now begun with such fatal success in Scotland, as it requires the utmost attention of every loyal subject, I think we should take this first opportunity to declare our abhorrence of it, and that we are resolved, at any risk, to support his majesty, and our present happy establishment, against all his enemies both foreign and domestic.

Of all the rebellions, Sir, that were ever set on foot in this kingdom, the present is the most wicked, unnatural, and ungrateful. His majesty's whole reign has been so remarkably benign; the subjects of all ranks and denominations have lived so quietly, so absolutely free from every sort of oppression, under his majesty's dispensation, that it must be reckoned the height of ingratitude to endeavour to destroy a government by which they have been so long and so fully protected. But this is not all; if I am rightly informed, many of those who are now in rebellion, are such as owe their fortunes, and some of them their lives, to the mercy of his majesty's royal father. Can there be an ingratitude of a deeper dye, than that of a man who employs in the destruction, that life and fortune which he received from the mercy of our present royal family? Can any principle of religion, can any principle of loyalty plead an excuse for such ingratitude?

Why should I say loyalty, Sir? whatever the Jacobites might have pleaded upon former occasions, whatever they may plead upon future, they cannot plead even loyalty upon the present. Should they succeed in their desperate attempt, they might perhaps get an empty title for the person they call their king; but the certain consequence would be, that both he and they must become vassals and slaves to France. They see some of the potentates of Europe engaged in a war, for preventing the French king's being able to set himself up for the supreme monarch of Europe: they know that this war cannot be carried on to effect, without a most powerful aid from this kingdom. Yet at the desire of the French, and to prevent our being able to send a powerful aid to our allies upon the continent, they join in raising a rebellion against the government. Does not this evidently tend to subject their native country, as well as him they call their king, to the power of France? Can this be said to proceed from loyalty? Is it not the most wicked, the most unnatural design that ever any set of men engaged in?

The contention raised amongst us, Sir, by this rebellion, is not solely, whether we shall have this royal family, or another royal family; whether we shall be the subjects of a free government, or the slaves of an absolute government; or whether we shall be Papists or Protestants; but whether we shall be free-born Englishmen or French slaves. If the rebels should succeed, which God forbid, and which, indeed, I have no apprehension of, we must have a royal family that founds its right not upon the choice of the people, or the laws of the kingdom, but upon the pretended law of God: we must be the slaves of an absolute government: we must all be Roman Catholics; and, to sum up all, we must be the slaves of Frenchmen, which of all slaveries must by Englishmen be looked on with the greatest horror and contempt. I therefore do not wonder at the spirit which has appeared in this country, in favour of his majesty and our happy establishment. It is a fresh instance of the good sense as well as of the courage of the people; and as I heartily congratulate my countrymen upon it, I shall propose, that we should likewise congratulate his majesty upon the subject.

I shall add no more, but conclude with moving, "That an humble Address be presented to his majesty, to return his majesty the Thanks of this House for his most gracious Speech from the throne; to congratulate his majesty on his happy, safe, and seasonable return to these kingdoms; to express our abhorrence and detestation of the unnatural rebellion raging in North Britain; to give his majesty the strongest assurances of our duty and affection to his person and government, and that we will with vigilance, zeal, and unanimity, shew a spirit and vigour becoming this time of danger; and that we will grant such supplies, and put such strength into his majesty's hands, as we trust in God, and in his majesty's wisdom, cannot fail to defeat the attempts of those who have already made one part of the United King-

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dom, and would make the other, a scene of blood, rapine, and confusion; to acknowledge, with the greatest gratitude, that under his majesty's royal protection we have lived in an uninterrupted and secure enjoyment of our religion, laws, and liberty; that as all these are now wickedly and openly attacked, we are bound by every consideration, human and divine, to exert ourselves in defence of his sacred person and government; and to assure his majesty, that he may safely rely on the zeal and vigour of his faithful Commons on this great occasion, and that we will act like men, sensible of the blessings we enjoy, and determined to preserve those blessings to ourselves and our posterity; to congratulate his majesty on the general concurrence of his subjects in these sentiments of duty to his majesty, and zeal for his service; which happy union, we doubt not, will, by his majesty's wisdom, be improved to the future glory and welfare of his crown and people, and to the utter confusion and disappointment of the enemies to both."

Mr. *Welbore Ellis*:

Sir; as I cannot suppose, that any gentleman wishes success to the present rebellion, and as nothing can tend more effectually to its being speedily defeated, than our declaring in the most zealous manner, our resolution to stand by his majesty in the support of our present happy establishment, I need not trouble you with many arguments for shewing the propriety, and even the necessity of what my hon. friend has proposed. I think, we may with confidence conclude, that if we can prevent this rebellion from being countenanced by any foreign power, or joined by any number of people in England, we shall soon be able to put an end to it, notwithstanding the success they have lately met with; and for both these purposes nothing can be more effectual, than both Houses of Parliament declaring themselves in the warmest manner against it.

That the rebellion will be countenanced, that it has been encouraged, by our enemies the French and Spaniards, we cannot doubt, Sir; but there is a great difference between their countenancing and powerfully assisting the rebels. If they see that the rebels can do but little for themselves, they will conclude that the rebellion must be soon defeated, notwithstanding the utmost assistance they can give. From hence they will conclude, that their assisting the rebels in Scotland, is not the best card they have to play, and therefore they will neglect assisting them as much as they might otherwise do, in order to push their warlike operations with the more vigour in some other part of the world: whereas, if they should think that the rebellion now begun in Scotland, might with their assistance become so formidable as to have a good chance for success, they would think only of acting upon the defensive in every other part, and would turn their whole strength towards the support of this rebellion. Now as nothing is more likely to give both the courts of France and Spain a mean opinion of this rebellion, than the open and warm declarations of both Houses of Parliament against it, it is necessary we should embrace this first opportunity of manifesting in the strongest manner our loyalty to our king, and our zeal for the support of our present happy establishment. This, Sir, is the more necessary, because of the gross misrepresentations that have been often repeated by British refugees both at the courts of France and Spain: by them the people of Great Britain have been represented as almost universally disaffected to our present royal family, and the government as being supported by nothing but bribery and corruption. The spirit that now appears without doors, will in a great measure refute these misrepresentations; aad if the same spirit should appear within, it will convince both the courts of France and Spain of the falshood of what they have heard so confidently asserted by the British exiles that are in their service, which will of course turn their thoughts from being at any great expence, or risking any considerable body of their troops, in supporting the present rebellion.

Then, Sir, with regard to the people of England, we have already from their behaviour the greatest reason to hope, that very few of them will join the rebels, should they by any accident make their way into England; but should we shew any indifference or coldness upon this occasion, should we neglect the first opportunity of seconding the laudable zeal that appears among the people, we do not know what a fatal effect it might have without doors. It would certainly either cool the zeal of the people for their sovereign, or give them but a very indifferent opinion of parliament; which, in either case, might be fatal to our liberties and constitution. On the other hand, if we

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second the laudable zeal that appears among the people, if the same spirit prevails within doors that has so frequently shewn itself without, even the most disaffected, even the most enthusiastic Jacobites, will begin to despair of their cause, and will not dare to assist in any manner, much less join openly in the rebellion, by which means it will remain confined to those who have already been so mad as to appear in arms against the government; and if it remains confined to them, I trust in God we may very easily and very speedily make it end in their destruction.

For these reasons, Sir, I cannot think that any gentleman will refuse his consent to what my hon. friend has proposed; and the expressions he has chosen are so strong, and so well adapted to the subject, that I do not think they can be amended by the most zealous amongst us; but I must wish that he had made his proposition a little more extensive. I think we should, upon this occasion, make our acknowledgments to his majesty for his wise and well concerted measures, in getting the duke of Lorrain chosen emperor, and for his endeavours to bring about a reconciliation between the empress-queen of Hungary and the king of Prussia. His success in the first of these two great schemes will be an atonement for all the losses the allies have met with this last campaign, and will, probably, be a foundation for their triumphing in the next: and though his majesty did not succeed to his wish in the other, yet he shewed what an influence he had upon his Prussian majesty, which is certainly a good omen of the success of our future negociations. This shews how necessary his majesty's last journey to Hanover was, and what an advantage it was attended with to the common cause in general, which of course must, at last, be an advantage to this nation in particular. Therefore his wisdom and vigilance deserves our highest acknowledgments, and should not, I think, be neglected upon this occasion. I am sure my hon. friend would not have neglected it, if it had not been with a design to avoid, upon this extraordinary occasion, every thing that might afford the least pretence for opposition; and as I must allow, that unanimity is now the chiefest thing to be aimed at, I shall not offer to add any thing to what he has proposed, but conclude with seconding his motion.

Major *Selwyn*:

Sir; the state of this kingdom, with respect to its political situation, obliges us not only to be more than ordinarily circumspect and vigilant in all our future undertakings; but it also furnishes you with such a fund and variety of matter, that I do not see how your Address can be too strong, or even too voluminous. It must, indeed, be allowed, that our losses and misfortunes both by sea and land, during the course of the present war, are but too considerable, and our successes unhappily short of our expectations; but as certain causes must have their certain effects, so it would be ridiculous and absurd to impute that to chance, or to think that fortune, which of all things is the most variable, could for any series of time continue the same course, unless supported by virtue: No; the secret counsels of God are impenetrable, but the ways by which he accomplishes his designs, are often evident. When he intends to exalt a people, he fills both them and their leaders with virtue suitable to the attainment of his ends, and takes away all wisdom and valour from those he resolves to destroy.

History abounds with instances of this kind; for thus the pride of the Babylonians and Assyrians fell, through the baseness of Sardanapalus, and the great city was taken whilst Belshazzar lay drunk, and was overtaken amongst his prostitutes: and I could wish that nothing of the like nature had happened in these our days, since the commencement, at least, of the present war, but more especially that fatal miscarriage of our fleet off Toulon, in the Mediterranean, where, for want of common conduct, as well as courage, we were not only beaten, but drove by an inferior force, and that too proved beyond all contradiction, else we had not suffered the French to retake the Podere, a large ship of the Spaniards, with an officer and men of ours on board her; but the French changed their tack upon us in the evening of the day of action, and we accordingly changed ours, and manfully ran from them; and our late defeat in the North carries with it something so shocking in the nature of it, that one can scarce conceive it possible, that entire corps of dragoons of 30 years standing, unopposed by any sort of cavalry, should act a part that the very banditti foot, whom they should have engaged, must have been ashamed of.

This, Sir, is that sort of phænomenon,

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which, at the beginning of all civil commotions, always excites the superstitious herd to take that as due to their merit, which was nothing but the natural effects of a shameful lethargic cause, in those who should have kept a better look-out; else why was that unhappy country, not a little prone to mischievous insurrections, left to the care of Irish troops, if of any religion, perhaps, in all probability, Roman Catholics, in conjunction with a few raw, undisciplined foot, just sufficient to render the man that commanded them more an object of compassion than animadversion; for the avoiding of an engagement at too great an odds, was always an argument of better conduct in a general, than attacking at the head of such a rabble-rout as he knew were not to be depended upon.

Sir, the absurdity of our negociations abroad for some time past, accounts for the many disasters that have so lately befallen us, and more that may befall: for who can look back into the state of our foreign affairs, but must observe, that we have been doing little else for above 20 years, than pulling down with one hand and setting up again with the other; so that a drum was never to beat in Germany, but we, knight-errant like, thought we must have recourse to arms. Thus are we still so ridiculously fond of interposing upon the continent, nor are we ever like to be roused out of our present ruinous infatuation, until necessity forces us to prize that situation wherein kind nature hath placed us, in an island independent of the mightiest monarch upon the continent, who, formerly, was proud of receiving our laws: but should we persist in wantoning away our vitals in others quarrels, how soon may we become an easy prey, either to such foreign or domestic foes as shall take it in their heads to distress us? And thus from our having been once a powerful, nay, insulting state, we must then dwindle down to that of an insignificant, petty province.

Sir, what advantage ever accrued to this nation by the victories of our two most renowned heroes, Edward 3, and Henry 5, which they gained in France? Or what got we, but glory, at the famous battle of Cressy, where, according to the words of a most celebrated poet, the English, with half their forces, could entertain the full pride of France, whilst the other half stood laughing by, and out of work, and cold for want of action? But we were then, as at many other subsequent times, smiled upon by Mars as his favourites, and why he hath, upon many late occasions, changed his countenance, is easily enough to be accounted for. However, let us now act like men, and such subjects as have no notion of parting with a prince, that hath always made the laws of the land the rule of his government: so that I shall always look upon the project of invading this island by a foreign force as ridiculous and absurd, so long as we enjoy our religion, laws, and liberties, in as ample a manner as was ever known to us, or our ancestors.

Sir, who does not know that revolutions in states are the natural consequences of unpopular and oppressive measures, such as, God be thanked, no troops of this nation yet were ever able, or willing, to defend? For an instance of which, we need look no farther back than the year 1688, in consequence of which Revolution, we are now blessed with the present royal family; so that as the bad measures of that reign were so conducive to those good things we now enjoy; why then, nothing but the reverse of such measures can so effectually secure the continuance of them in this land to us and our posterity.

Sir, although our late as well as present measures are far from being calculated for the true interest of this nation, yet I flatter myself that every gentleman must be convinced that the project of supplying the present empress with money instead of men, was the most eligible, and especially after the repeated remonstrances of the Dutch against our sending over troops to Flanders, and after assuring our then right worthy negociator that they were in no capacity to comply with the treaty of 1714. And is it not too notorious, how shamefully they have acted upon the defensive, whereby our troops have had the mortification to see the glory of the late war totally reversed, by the loss of almost all Flanders in one campaign. Surely, Sir, a patriot of above 20 years in the opposition, must have been strangely out of luck, when in consequence of his first and favourite scheme, after coming into power, by strenuously supporting a destructive land-war, by which the nation was drained of her defence, he kindled such a flame in his native country, as requires no less than a foreign aid to extinguish it. However, let us take the advice his majesty gave us this day from the throne, and act like men; then we shall not be unreasonably terrified upon any occasion whatsoever: let us follow also the example of our gallant ancestors, whose religious at-

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tachment to sacred things made them always look upon the enemies of their peace with scorn and derision; for fear is nothing but a betraying of the succours which reason offers; and as I am one of those that desire to live but in the fear of God only, and as I honour my king, I shall therefore be for the Address.

Sir *Francis Dashwood:*

Sir; the motion made by the hon. gentleman upon this occasion, is so modest and so general, that I shall be very far from opposing it. I shall not even pretend to alter or amend any part of what he has been pleased to propose: but I am of the same opinion with his hon. friend, who seconded his motion: I think it is too short. I differ, indeed, from that gentleman with respect to the subject matter of what, I think, ought to have been added. As his majesty has not, in his Speech, communicated any thing to us of foreign affairs; as we have no parliamentary knowledge of an emperor's being chosen, nor of his majesty's endeavours to bring about a reconciliation between the queen of Hungary and king of Prussia, we can take no notice of either in our Address. Sir, at a time when we are in such imminent domestic danger: at a time when we may have occasion for the hands as well as purses of the people, surely, we ought to say something to convince them, that we have a regard for their rights and privileges, as well as for the posts, places, and lucrative employments that many, perhaps, most of us enjoy. That by the success of the present rebellion the people would be divested of their rights and privileges, is a question that is, perhaps, doubted by many; but that our present placemen would be thereby divested of the places they now enjoy, and that many others would be thereby defeated of their expectations, is a question that is doubted by none. We should, therefore, be careful to prevent the people having any ground to imagine, that our abhorrence of the rebellion does not proceed from our fears of their being deprived of their rights and privileges, but from our fears of being ourselves deprived of the posts, places and lucrative employments, we now enjoy or expect; and this the people will be very apt to imagine, if we do not, upon this occasion, as warmly express our zeal for supporting our present happy constitution, as we do our zeal for supporting our present happy establishment.

That there is a difference, Sir, between our constitution and establishment: that under the latter the former may be destroyed, and, consequently, the people divested of their rights and privileges, no one can deny, who considers the fatal effects of corruption; nor can any man pretend, that the people are not sensible of this difference, if he reflects upon the instructions that have been given by the people in all parts of the united kingdom, to their representatives in this House. That the danger to which our constitution may be exposed by the success of the present rebellion, is more imminent, no man, I believe, will openly deny; but that the danger to which it may be exposed by the success of corruption, is more certain, every man must grant, who is not biassed by the post or pension by which his head is confounded, though his heart may not, perhaps, be as yet corrupted. Should the rebellion be crowned with success, which I think, we are in very little danger of, our constitution may be preserved even by the good sense of the Pretender himself, if he has any, because a constitutional, limited monarchy is more secure, and, consequently, more eligible to a king of good sense, than the most absolute one; but the singular misfortune of corruption is, that a king may thereby be rendered absolute, even without his designing it, or knowing any thing of it, till it becomes impossible for him to govern by any other means.

Gentlemen, I see, Sir, are surprised at such a new and extraordinary doctrine; but there is nothing more plain, if we consider the nature of government, and the only two methods by which it can be supported. No man, I believe, ever supposed that a government can be supported by a king, or other supreme magistrate, by himself alone. He must have a majority, or, at least, a great number of people engaged with him to support the government, and those men must be engaged by the public interest, or each man by his own private interest. The multitude, I shall grant, may be kept in awe by their fears; but the most absolute, the most arbitrary tyrant must have a number of men engaged by their private interest sufficient to impress that fear. One single man may, by his authority, persuade a multitude, but a single man never can frighten a multitude. Every government must, therefore, have a number of men for its support, and those men must be kept engaged to do so

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by the public, or by their private interest. When those who support the government are engaged to do so by the public interest alone, or by that chiefly, it is a free government, even though by its form it be supremely administered by one sole monarch. But when they who support the government, are engaged to do so by their private interest alone, or by that chiefly, it is an absolute government, even though by its form it be supremely administered by King, Lords, and Commons; and such a government can be supported in no way but by corruption. If such a government be supremely administered by a sole monarch, he must have a mercenary army for his support, and money enough to hire or corrupt them; and if such a government be, by its form, supremely administered by a king and parliament, he must have money enough to hire, or corrupt his mercenary parliament, as well as his mercenary army.

To apply this, Sir, to our constitution, and to shew, that by corruption our king may, without his knowledge, be rendered not only absolute, but unable to govern by any other means. It is very certain, that the freedom of our constitution consists in every man's being directed, with respect to his way of voting, both at elections and in parliament, by the public interest alone, or by that chiefly: whilst this continues to be the case, our constitution will be preserved, and we shall continue to be a free people. For this purpose, a public and disinterested spirit must be propagated and preserved among the people, and it will always be the king's interest to do so, because he can have no interest separate or distinct from that of his people. But ministers have often a private interest which is distinct from, and opposite to that of the people; and when any such man happens unfortunately to become the king's prime minister, he will make it his business to root out all public spirit, and to plant a selfish spirit in its stead. All the favours of the crown, and all the posts and offices in the kingdom, will be bestowed, not upon those that deserve them, or are qualified for them, but upon those that vote in parliament, or at elections, according to his direction, and without any regard to the national interest. This a cunning minister may do, without its being possible for the king to discover it: because the king can know the merits or qualifications but of a very few of his subjects. By such means a selfish, venal spirit, may be introduced into parliament, and from thence propagated through the whole nation: and then, if the king has but money enough, or lucrative places and offices enough at his disposal, which a corrupt parliament will always take care to provide for him, he becomes, without his designing it, as absolute as if he had no parliament at all, and may act in a more oppressive manner than any sole monarch can venture to do, because he has the sanction of parliament for every thing he does, and has the principal families in the kingdom engaged to justify his measures.

Thus, Sir, our king may be made absolute without his having ever entertained any design against our liberties, and the poison being once thoroughly diffused, which it may be by such a minister continuing long at the head of the administration, it will then be impossible for the king to support his government without corruption; for when the public interest if considered by no man, or but by a very few, when the whole, or a great majority of the people, are actuated by nothing but selfish, mercenary views, can the king expect to have his government supported by a majority in parliament, let his measures be never so much calculated for the public good, unless he makes it their private interest to do so? While he can do this he may expect to reign, he may expect to reign absolutely, and yet according to law; but the moment he ceases to do this, or ceases being able to do this, he must either put an end to parliaments, or the parliament will put an end to his reign; for all those who find they cannot make their market of him, will join against him, in hopes of making a better market of his successor.

I must therefore think, Sir, we cannot do a better service to our sovereign, than by passing such laws as are necessary for putting a stop to the progress of corruption, and reviving a public and disinterested spirit among the people; and as the people have loudly called for some such laws being passed, we cannot take a more proper opportunity for introducing them, because it will confirm and strengthen that spirit, which now appears among the people without doors in favour of our present establishment, and will make them more ready to venture their lives in support of the government, should any future success of the rebels, or the landing of any foreign troops make it necessary for us to call for the assistance of their hands as well as their purses.

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What our ministers may think, Sir, I do not know, but as they enjoy the greatest advantages under our present government, and as the people have so generally shewn themselves zealous for supporting that government, under which they, in particular, enjoy so many advantages, I am sure every other man thinks, they are in gratitude bound to give satisfaction to the people, with regard to those laws, which they think so necessary for securing their liberties against the fatal effects of corruption. Therefore, I do expect, in this session, to see a very extraordinary change in the conduct of our ministers. Though in former sessions they have opposed every such law, yet now, I hope, they will themselves be the introducers and promoters of every one of those laws, which the people have so long called for in vain; and if I should have the pleasure of seeing such a change in their conduct, I make no doubt of having the pleasure to see every one of those bills passed into laws, without any opposition in either House of Parliament.

These, Sir, are the hopes I conceive from that spirit which has appeared among the people, for supporting our present most excellent government, and, our present most wise administration. This is the return of gratitude I expect from our ministers, who have always shewn themselves most grateful to those that have served them in this House, or at elections; and I hope they will not be less grateful to those who have shewn themselves ready to serve their king and country at a time of such imminent danger. This return, I am sure, the people expect; and I think we should take this first opportunity to give them some hopes of their not meeting with a disappointment. As we do not know how soon the rebels may enter England, as we do not know how soon an army of foreign troops may be landed amongst us, we ought not, in prudence, to let slip this first opportunity of convincing the people, that there is nothing they can desire for securing their liberties, but what they may expect from this government, and from this session of parliament.

For this reason, Sir, I think it necessary to add something to our Address on this occasion, therefore I have prepared an additional paragraph; and I must humbly move, that it may be added to what the hon. gentleman has been pleased to propose. The additional paragraph I have prepared is in these words:

"And in order to the firmer establishment of his majesty's throne on the solid and truly glorious basis of his people's affections, it shall be our zealous and speedy care to frame such bills as, if passed into laws, may prove most effectual for securing to his majesty's faithful subjects, the perpetual enjoyment of their undoubted right to be freely and fairly represented in parliaments, frequently chosen, and exempted from undue influence of every kind; for easing their minds in time to come, of the apprehensions they might entertain of seeing Abuses in Offices rendered perpetual, without the seasonable interposition of parliament to reform them; and for raising in every true lover of his king and country, the pleasing hopes of beholding these realms once more restored to that happy and flourishing state which may reflect the highest honour on his majesty's reign, and cause posterity to look back with veneration and gratitude on the source of their national felicity."

Sir *John Philips*:

Sir; the opinion my hon. friend has of what we ought to do upon this occasion, and the addition he has proposed to be made to our Address, are so agreeable to my way of thinking, that I cannot avoid standing up to second his motion. I shall readily concur with those gentlemen who think that we ought, upon this occasion to express, in the warmest terms, our loyalty to our king, and our steady resolution to support him against all his enemies, both foreign and domestic; and I hope they will concur with me, that we ought at the same time, and with the same energy, to express our fidelity to our country, and our steady resolution to support the liberties of the people, against the fatal effects of corruption, which, in my opinion, are as much to be dreaded, as any effects that can ensue from the success of the present rebellion.

From arbitrary power established in our present royal family, and supported by a corrupt parliament, and a mercenary standing army, I shall grant, Sir, we are in no immediate danger of Popery; but the certain consequence will be a general depravity of manners, and a total extinction of religion of every kind; and then, if chance, or any foreign view, should make some future king, even of our present royal family, turn Papist, which is far from being impossible, how could we guard against the introduction and establishment

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of Popery? To a man who has no religion at all, it signifies nothing what sort of religion is established; for he will always make that sort or sect his profession, which he finds most suitable to his interest; consequently, such a king would meet with no opposition from the people; and our laws against Popery would be no bar to his intentions, because every one of them would, at his desire, be repealed by a corrupt parliament; therefore, the only sure and lasting fence we can have against Popery, is the preservation of our constitution. Whilst the people continue to have any religion, and are generally sincere Protestants, no king, should he turn Papist himself, can have it in his power to introduce, much less establish Popery amongst us, if the people be freely and fairly represented in parliament; but a government that proposes to support itself by corruption, must, at the same time, endeavour to abolish all principles of honour and religion; for a man who has any principle of either, will never, from any selfish motive, give his vote, in parliament, or at elections, against what he knows to be the true interest of his country. Such a government must necessarily conduct itself in direct opposition to all the maxims of true policy: merit of every kind will be disregarded, religion will be laughed at, and patriotism turned into ridicule; libertinism will be encouraged, avarice will be fed, and luxury will be propagated, in order to render the operation of corruption the more easy, and its effect the more certain. And when the people are generally and thoroughly corrupted, which, because of our frequent elections, they must be, before the government can, for its support, depend upon corruption alone, the Church of Rome, whose politics we have more reason to dread than her power, will have a much more easy and certain game to play, than that of forcing the Pretender upon us.

This, Sir, they can never do, as long as we have any religion, virtue, or courage amongst us; and should they, by an extraordinary mischance, succeed, the Pretender and they together would find it a very difficult task, to convert a whole nation of religious and sincere Protestants to Popery: besides, they could not be sure of the Pretender's not serving them as Henry 4 of France served the Protestants of that kingdom: after they had helped him to the throne, supposing him a man of sense and no bigot, he might very probably, for his own ease and security, declare himself of the same religion with the majority of his subjects. But should we lose our liberties by corruption, and of course our religion and virtue, if the Church of Rome could find means to convert our king then upon the throne, their business would be done, our nobility having no religion, would in order to recommend themselves to their sovereign, declare themselves Papists; and the majority of the people having as little religion as they, would follow their example.

Surely, Sir, it will not be said to be impossible to suppose that any future king, even of our present royal family, can ever be converted to Popery. How many kings have been persuaded to change their religion by a favourite wife or mistress? How many from political views? The crown of Poland, but of late years, made one Protestant prince declare himself Papist, though all his then subjects were Protestants, and very zealous Protestants too. The imperial crown of Germany, we know, is elective; and a view of that crown may induce some future king of Great Britain to declare himself Papist, if he has a corrupt parliament, that, at his desire, will be ready to repeal that law by which Papists are excluded from the crown and government of these realms. We have therefore no infallible security against Popery, but the preservation of our constitution; and for this reason, nothing can be more proper than to declare our resolution, that we will take care to frame such Bills as are necessary for the preservation of our constitution against corruption, at the same time that we declare our resolution to support his majesty against a Popish Pretender. This is not only proper, Sir, but necessary upon the present occasion, in order to convince the world, that we are true Protestants as well as loyal subjects; and that therefore we are resolved to keep every door bolted, by which Popery can make its way into this kingdom; and if we are resolved to frame and pass, in this session, any Bills that may be effectual against corruption, I am sure no objection can be made against our declaring in our Address, that we will do so. I hope, we are all now convinced, that some such Bills are necessary.

Mr. *George Lyttelton*:

Sir; I am sorry I should be obliged to disappoint the hon. gentleman so much,

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as to oppose the Amendment proposed by his hon. friend; but as I think, our agreeing to insert any such article in our Address, would be one of the most direct steps we could safely take towards rendering the Rebellion successful, I hope, he will allow, that a sincere regard for my king and country is a most solid and sufficient excuse for the disappointment I may give to him by my opposition to this motion. It is very certain, Sir, that nothing can tend more towards discouraging and disheartening those that are already in arms against the government, and towards preventing their being joined by any number of his majesty's yet faithful subjects, than an apparent concord and agreement between his majesty and his parliament. It is likewise certain, that nothing can contribute more than this, towards preventing our foreign enemies from putting themselves to the expence of sending the rebels any great assistance. But what would be the consequence of our agreeing to this Amendment? All who know any thing of parliamentary affairs, would from thence suppose an impending breach between his majesty and this House at least. They all know, that it has been the constant custom of this House, at least for many years past, to say nothing in our Address at the opening of a session, but by way of answer to something mentioned in his majesty's Speech from the throne.

I shall grant, Sir, that upon these heads, we have often said too much, and more than was consistent with the freedom of our future proceedings; but we have never introduced new matter, that was not so much as hinted at, in any part of his majesty's Speech; and I must think it would at any time be a little disrespectful in us to do so. Shall we then at such a dangerous conjuncture, do any thing that would in the least look disrespectful to our sovereign? Sir, it would be generally supposed, that the majority of this House were become Jacobites, and that our next step would be, to refuse those grants that may be necessary for assisting our allies abroad, or defeating the Rebellion at home. What a damp would this throw upon those, who are now most sanguine and active in support of our present happy establishment? What encouragement might it not give to the rebels? What numbers might it not prompt to join them?

Our giving upon this occasion, Sir, any ground for forming such an opinion, might not only produce fatal effects at home, but it might produce the most fatal effects abroad. The Dutch, who are already in a sort of despondency, would then fall into a state of the utmost despair, and would withdraw their troops from Flanders, in order to obtain a neutrality for themselves. Both the queen of Hungary and the king of Sardinia would begin to doubt of their receiving any farther assistance from this nation, and would immediately clap up a separate peace upon the best terms they could obtain: thus we should be left alone to contend with the powerful kingdoms of France and Spain abroad, and with a Rebellion, rendered formidable by our own ill conduct, at home. Would it be possible for us in such a situation to defend our possessions or our plantations beyond sea? No, Sir, our whole navy would be necessarily employed in guarding our coasts, in order to prevent the rebels getting any supplies or assistance from our foreign enemies, and would scarcely be sufficient for this purpose: because as neither France nor Spain would then be obliged to maintain any great land armies, they would apply themselves entirely towards encreasing their naval force, and by building and purchase they might, in a few months, be able to fit out a most formidable squadron. So that this motion, however innocent and harmless it may appear in the eyes of some gentlemen, if agreed to, might very probably, be the cause of the ruin, not only of the liberties of this nation, but of Europe.

I am persuaded, Sir, that neither of the hon. gentlemen viewed the motion in this light: but when they give it a review, and consider seriously the fatal consequences it may be attended with, I hope they will not insist upon the question; for I should be sorry to see it stand in our votes with a negative of any kind at the tail of it; because I am as much persuaded as they can be, that something ought to be done for preserving the independency of parliament, and for putting a stop to that corruption which is creeping in so fast upon us; but for this purpose a proper opportunity should be chosen, and I cannot think it is either proper or safe to enter upon such a subject, whilst a Rebellion is raging in the kingdom. Our liberties, our properties, our religion, and every thing is now at stake. Let us secure them against the present danger, and when that is done, we shall have time and opportunities enough to secure our liberties against the effects of corruption.

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At present we ought not to attempt any thing, that may divert the attention of the people from the extraordinary danger that hangs over them; much less ought we to attempt any thing, that may divide his majesty's true friends, or produce a dispute between the two Houses of Parliament. And that this may be the consequence of any Bill that can be brought in for guarding against corruption, we may from experience conclude. Both the Place-Bill and the Pension-Bill have always had a party in this House against them, and both have been rejected by the other; and as to Annual or Triennial Parliaments, I think the very motion for bringing in a Bill for the purpose has always been rejected by a majority in this House. Therefore we must from experience conclude, that if either of the two former Bills should be brought in, it would not only divide his majesty's friends in this House, but might occasion a breach between the two Houses, which is a danger that ought to be avoided when we are in so much danger from the Rebellion; and as to a Bill for Annual, or Triennial Parliaments, it would certainly divide his majesty's friends here, and if it should be passed in this House, it might perhaps be rejected by the other, which would be very much resented by those that had agreed to it here.

Another reason, Sir, for our suspending till after we have got rid of the rebellion, the introduction of any of the Bills I have mentioned, or any Bill of the like kind, is the danger of the Bill's not passing, and the discontents that might be occasioned by its being, however reasonably, thrown out. All such Bills are favourite Bills among the people without doors. If they are but by the title led to believe, that it is a Bill for securing their liberties against corruption, without considering the regulations proposed by the Bill for that effect, without considering the consequences with which those regulations might be attended, they, from the title alone, conclude, that the Bill ought to have been passed into a law, and that its being thrown out proceeded solely from the corruption it was designed to prevent. This of course raises animosities among the people without doors, and to give the least ground for any such in the time of an open Rebellion, and at a time when we are daily threatened with an invasion, might be of the most dangerous consequence; for the concealed Jacobites who are but too numerous in every corner of the kingdom, would certainly endeavour to blow these animosities up into a flame against the government. Their discourse would every where be, 'Now, gentlemen, you see, you can expect no security against corruption under this government: from the throwing out of this Bill, you may conclude, that no such Bill will ever under our present establishment, be passed into a law: you may call yourselves free, but without such a Bill, you can have no more title to freedom than the cattle that are sold in your public markets: of all slaves, those are the most contemptible that sell themselves into slavery: slaves made so by the fate of war, deserve, at least, compassion; but men who sell themselves for slaves, are neither intitled to, nor can expect pity.'

These, and such like groundless insinuations, Sir, the concealed Jacobites would certainly take the opportunity to propagate; and by such ensnaring insinuations, rendered specious by our throwing out any such popular Bill, multitudes might be induced to join the rebels, that would otherwise have never thought of it. For this reason, Sir, the motion now before us gives me extreme concern: I was sorry to hear any such motion made upon this occasion: it is a motion we cannot agree to; and our disagreeing to it will furnish our enemies, at this dangerous conjuncture, with a new pretence for reviling the government, and sowing disaffection among the people. I must, therefore, intreat the hon. gentlemen who made and seconded this motion, to agree to its being withdrawn. I must conjure them not to insist upon the question; for, should it appear in our votes with a negative, even by way of the previous question, it may be the cause of infinite mischief.'

Mr. *William Pitt*:

Sir; the Amendment proposed upon this occasion, is so very unseasonable, and has such a dangerous tendency, that I need not take up much of your time with arguments against it. I should not, indeed, have given you any trouble upon the occasion, but that I am afraid of being supposed to have had a concern in drawing it up, and having it at this time offered to your consideration. As I have always appeared to be a friend to every thing that could be reasonably offered for securing the independency of parliament, and as this Amendment seems to have a tendency that way, I think it incumbent upon me to declare, that if my advice had been

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previously asked, I should have made use of all the little rhetoric I am master of, to persuade the hon. gentlemen not to offer such an Amendment at such a dangerous conjuncture.

Sir, I shall always be a real friend to any regulation, which may appear to me to be effectual, for preventing the fatal effects of corruption; and therefore, I shall never be for introducing any such regulation into this House, nor shall I ever make, or advise making any motion for that purpose, but at a proper season, and when I think there is at least a chance for its being agreed to. We know well enough, Sir, that all such motions are, and, I hope, will ever be, the favourites of the people; and therefore, we may expect, that they will sometimes be made by gentlemen, who have no other design but to cast a slur upon the administration, by obliging them to endeavour to get a negative put upon a popular motion; but I shall never make any motion with such a view; and I cannot allow myself to suspect, that the hon. gentlemen had any such view in offering this Amendment. At a time when our all is at stake, whatever opinion we may have of our ministers for the time being, surely it is unseasonable to attempt any thing that may raise discontents among the people, or lessen their confidence in those who are placed in authority over them. Whilst the nation is engaged in a most dangerous and expensive foreign war, a Rebellion breaks out at home. Those rebels have already gained a victory over the king's troops, which has made them almost wholly masters of one part of the United Kingdom. We are under daily apprehensions, both of an irruption, and a foreign invasion being made upon the other; and that invasion would, certainly, be attended with an insurrection. In such circumstances, shall we amuse ourselves with contriving methods to prevent the effects of corruption? shall we spend our time in projects for guarding our liberties against corruption, when they are in such immediate danger of being trampled under foot by force of arms? Would not this be like a man's sitting down to think of ways and means for preventing his being cheated by his servants, at the very time that thieves were breaking into his house?

No gentleman, Sir, who has a due sense of the danger we are in, will, or can, think of any thing else, till we are entirely delivered from that danger. Much less will any such gentleman think, till then, of introducing Bills, that must raise great altercations amongst us, and may, if defeated, occasion discontents and heart-burnings among the people. I hope the rebellion will be extinguished long before this session is at an end; and the moment it is, I believe I shall be for our resuming the consideration of what may be necessary to be done for preventing a corrupt dependency in parliament. At present, I can think of no reason for suspending that consideration any longer; and therefore, I hope, we may be able to frame some such Bills as are hinted at in this Amendment, before the present session expires; but suppose nothing of the kind should be attempted in this session, we shall, I hope, have many sessions after this, and sessions, I hope, undisturbed by a foreign war, or domestic insurrection. Such a session would be the most proper for our undertaking to new-model our constitution. Corruption is not, I hope, got to such a height, as to be able to defend itself against all the attempts we can make to demolish it. If this were the case, our attempts in this session would be as vain, as it can be supposed they will be in any future session; therefore, our resolving to frame Bills in this session must be vain, as it may be delayed till some future session, when we may enter into the affair with safety, and without our being in danger of thereby making ourselves a prey to our enemies.

But suppose, Sir, we were resolved, at all adventures, to undertake the framing and passing of some such Bills during this session, what pretence have we for thus bringing the affair by head and shoulders into our Address? The people without doors are so sensible of the danger they are exposed to by means of the Rebellion, that they have entirely forgotten the danger they think themselves exposed to by means of corruption. We have lately heard of no letters, instructions, or remonstrances from any county or corporation in the kingdom to its representatives, in favour of any Bill against corruption. They are so wise as to think of nothing, at present, but subscriptions and associations, for defending their sovereign and themselves, against those who have traitorously conspired to rob him of his crown, and them of their liberties, properties, and religion. Do gentlemen intend to give a turn to the spirit of the people, and to set them a contending against secret corruption, that their liberties may the more

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easily become a prey to open force? Sir, if I were not well acquainted with the hon. gentlemen who made and seconded this motion, I should really suspect their having some such design; and, however much I may, from my personal knowledge, be convinced that they have no such design, they may depend upon it, that if they do not withdraw their motion, the suspicion will be strong against them, amongst all those who are not intimately acquainted with them.

Such a suspicion, I cannot think, Sir, any gentleman would chuse to labour under; therefore, I hope, they will withdraw their motion: I hope, that, for their own sakes, and for the sake of their king and country, they will not insist upon its appearing in our votes. If they do, the whole world will say they have contributed, as much as they safely could, towards rendering the Rebellion successful. The hon. gentlemen may already plainly perceive, that a negative will be put upon their motion. Why, then, should they insist upon the question? If they do, it will be impossible to suggest any reason for it, but that of their resolving to have such a popular question appear with a negative upon it in our votes, in order to raise discontents among the people, and to make them turn against our present happy establishment, that money and those arms, they are now wisely and generously providing for its defence.

Mr. *Humphrey Sydenham:*

Sir; I am surprised to hear gentlemen accused or suspected of a design to subvert the government, on account of a motion calculated, in my opinion, the best of all others, to reconcile the minds of the people to our present establishment, and to induce them to join unanimously and heartily in any measures that may be necessary for defeating the present Rebellion. Whatever spirit may now appear among the people, we cannot forget, Sir, the spirit that appeared so generally amongst them, but a little while before, against corruption, and in favour of those Bills that have already been several times offered to parliament for preventing it. In their Letters and Instructions upon that occasion, we may suppose the true and genuine spirit of the people appeared, because they had neither rewards nor expectation of rewards in view, to prompt them to prepare or sign such instructions. On the contrary, we know that both rewards and promises were offered to get them to sign instructions of an opposite nature; but, in all places, a very few excepted, without any effect.

This, Sir, is truly the case, with respect to that spirit, which appeared among the people about the time we began to be threatened with invasions; but I cannot say so much with respect to the spirit that now appears. I doubt much if it be every where sincere. Our associations and subscriptions I look on in the same light with our addresses. They are proposed and promoted by some men, who enjoy or expect good posts under the government; and people are unwilling to refuse joining in them, for fear of being deemed disaffected. This, I believe, is the case of many who have joined in our associations as well as subscriptions. As to the latter, I know, that many have been threatened into them, under the pain of being represented and recorded as Jacobites, or indigent persons; and I must observe, that this way of raising money for the public service, by the subscriptions of private men, is such an encroachment upon the privileges of this House, and of such dangerous consequence to the liberties of the nation, that, in my opinion, it highly deserves our censure. But whatever we may do in this respect, I am fully convinced that we ought to look upon these subscriptions and associations, rather as methods taken by the busy promoters to recommend themselves to posts under the government, than as testimonies of the people's satisfaction; and therefore, if the fate of the kingdom should become doubtful by the landing of a numerous French army amongst us, and a general insurrection of the disaffected in England, I question much, if we could depend upon the fidelity of some of those, who have appeared the most zealous associators and subscribers. It cannot be supposed, that a few Scottish Highlanders, notwithstanding the success they have lately met with, can be able to conquer the whole island of Britain: as little can it be supposed, that a numerous French army can be landed amongst us, while we have such a superiority at sea; and without such a landing, I believe, most of the disaffected will keep themselves within the law; many of them will, I doubt not, pretend a warm zeal for the support of the government, therefore every man may reasonably conclude, that the rebels have not at present so much as a chance of having their undertaking

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crowned with success; but if by any extraordinary accident, they should come to have but an equal chance, I am afraid the discontents of the people would at once turn the scale in their favour; especially if from our proceedings nothing appears, that can give the people any hopes of their grievances being redressed.

We are not to suppose, Sir, that the people have forgot their complaints, because they have not renewed them upon this occasion. They have so long complained in vain, and have lately been so much disappointed by those upon whom they chiefly relied, that I am afraid, their not renewing their instructions to their members, proceeds from their despair of ever meeting with redress from parliament. But will this remove or diminish their discontents? On the contrary, we have more reason to dread their silence than we ever had to dread their murmurs; for mankind resemble, in this, that animal which is their most faithful servant; while they bark they never bite. Have they ceased complaining? As they have yet received no satisfaction, we have from the nature of mankind just reason to presume, that they have begun to think of acting; and this at such a dangerous conjuncture we ought to prevent, by giving them, as soon as possible, an assurance, that they may expect redress from this session of parliament.

The Amendment now proposed, is, therefore, extremely well calculated for the support of his majesty's government, and if agreed to, will contribute more to the disappointment and defeat of the Rebellion, than the warmest and most loyal expressions we can make use of in this or any other address. Sir, the addresses of the people of England are already become a proverb amongst our foreign neighbours; and if we go on but for a few years, as we have done, the addresses of our parliaments will fall under the same reproach; I therefore wish, we may for the time to come be more sparing in our expressions, and more bountiful in our actions. I do not mean, Sir, as to money matters, for in that we cannot, I am sure, be more bountiful than we have been; but I mean as to our being diligent in preparing Bills for the service of the people, and faithful in giving his majesty, upon all occasions, our best advice.

I shall readily agree with the hon. gentleman, Sir, that at this juncture it would be of the most dangerous consequence, to have such a motion appear in our votes with a negative at the tail of it; but for that very reason I shall be for insisting upon the question; because there is now, and, I am afraid, always will be in this House, a certain set of gentlemen, called ministers, who from that consideration may now be induced to agree to it, and who never will, I believe, from any other consideration, agree to such a motion. For the same reason, Sir, I shall be for having such Bills, as are hinted at in this motion, brought into the House as soon possible, and pushed through both Houses with all possible dispatch. The hon. gentleman says, he shall be against the introducing of such Bills, while there is a rebellion raging in the kingdom, because he thinks, we may have an opportunity to get them passed after the Rebellion is entirely extinguished. If I thought so, Sir, I should be very willing to have them deferred till the next session; but if we do not catch this opportunity, when some gentlemen's personal safety may prevent their opposition, I am, both from reason and experience, convinced, we shall never be able, in a peaceable manner, to get any such Bill passed into a law. The set of gentlemen I have mentioned, will always oppose such Bills, because it is their interest, not only to support, but to propagate corruption; and from experience I am convinced, that they will always have so much influence, as to get a majority in this House for preventing any such Bill being brought in, or a majority in the other House for having it rejected. There is a thing called proper or seasonable opportunity, that will always furnish a man with a pretence for opposing, when a minister, those Bills and motions, which he patronized, when a country gentleman; and I have now several gentlemen in my eye, who, I believe, will always declare themselves zealous for preventing a corrupt influence in parliament, or at elections; but will never, as long as they continue ministers, or the favourites of ministers, find a seasonable opportunity for bringing in an effectual Bill for that purpose.

Such gentlemen may, perhaps, consider the dangerous consequence of throwing out a popular Bill at this juncture; therefore, though they know it will breed them a great deal of trouble hereafter, they may, for their immediate safety, agree to its being passed into a law. If they and their friends agree to it, I will engage that

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no such Bill shall occasion any divisions or altercations amongst us; and we may with the more freedom embrace this opportunity, because such a Bill can no way prevent or retard any thing the parliament can do for defeating the Rebellion. If a man were sensible of his having some pilfering servants about him, surely he would lock up his money chest, before he run to beat off the thieves he heard breaking into his house; and if his servants had been grumbling for want of their wages, I would advise him to take that opportunity to pay them, that they might assist him the more cheerfully. They would then have something to fight for, as well as he; for if the thieves got the better, they must expect to be robbed as well as their master. The case is now the same with regard to the people of England: they have been grumbling; give them satisfaction: let them see they have something to fight for, I warrant you they will do it. But under an arbitrary government, whether established by force or corruption, the people have neither liberty nor property; and in this age I doubt much if they will fight obstinately for their religion, even supposing they were all convinced of its being at stake.

I therefore hope, Sir, that we shall, in this session, come of the Rebellion what will, pass some proper Bills for preserving our constitution and liberties against corruption; and if we are resolved to pass any such Bills we ought to intimate our resolution in our Address upon this occasion, in order to encourage the people to stand by, and support the present establishment, in this time of imminent danger. To pretend, that our doing so will discourage our allies, and frighten them into a separate peace, is, I may at least say, going very far for an argument against this motion. The Dutch have not seemed, of late, to square any of their measures by our resolves; and, therefore, they will, I believe, as little regard our Address, as they have lately done our minister's solicitations; and as to the queen of Hungary and king of Sardinia, their interest is so much at stake, that they cannot suddenly clap up a separate peace, should they actually find us unable, or resolved not to send them any farther assistance; nor would the liberties of Europe be undone, if they did. Thus, Sir, suppose the Amendment were no way warranted by an expression in his majesty's Speech from the throne, it could be of no bad consequence, with respect to the foreign war we are now engaged in; but I wonder to hear it said, that it does not come in properly by way of answer to his majesty's Speech. Sir, does not his majesty tell us, that he has called us together to give him our immediate advice, as well as assistance, with regard to the Rebellion still continuing in Scotland? Can we give him our advice in a more deliberate and authentic manner, than by framing and passing such Bills as we think will best induce the people to assist him heartily? We cannot do this immediately, and, therefore, by way of answer to this part of his Speech, we ought to tell him immediately, by our Address, that we will do so.

His majesty tells us, he questions not but the Rebellion will end in procuring greater strength to that excellent constitution, which it was designed to subvert. In answer to this, is it not very proper to tell him, that we shall take care, in this session, to frame such Bills, as will add strength to our excellent constitution? Is there any thing more proper or necessary for adding strength to our constitution, than that of preventing a corrupt influence in parliament, or at elections? This Amendment is, therefore, not only a proper, but a necessary return to that part of his majesty's Speech. And now to conclude, Sir; as the hon. gentleman was pleased to tell us, what the world will think of those that insist upon this Amendment, I shall beg leave to tell him, what, in my opinion, the world will think of those that oppose it. The world will, I am sure, generally approve of the Amendment, and all will conclude, that had it been agreed to, it would have done great and immediate service; therefore, every man will say, that the opposers, notwithstanding their open pretences, are, in secret, friends to corruption; and that they have a greater regard to the interest and ease of those who are now, or may hereafter be our ministers, than they have to the security of their sovereign, the happiness of their country, or the liberties of their countrymen.

Lord *Strange*:

Sir; I hope no one doubts of my being as much an enemy to corruption, and as great a friend to the Bills mentioned in this debate, as any gentleman in this assembly; and yet I cannot think the Amendment now proposed, either necessary or proper upon the present occasion. I am, Sir, an enemy to corruption; I am equally an enemy to the present Rebellion.

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The success of either will, I think, annihilate our constitution; but of these two dangers, the last is by far the greatest, and the most immediate, therefore it deserves our chiefest, our most immediate attention. Till we have got rid of this danger, we ought, I think, to drop all thoughts of the other; and I have the satisfaction to find, that the people of England, and, I believe, most of those in Scotland too, are of my opinion. Even many of those, who have always before been reputed Jacobites, are, we find, afraid of the success of the present Rebellion; and they are certainly very much in the right. However sanguine they may be for the restoration of what they have been taught to call the royal family, they do not desire that the event should be brought about at the expence of our religion and liberties; and both, they most justly think, would be in the utmost danger, should this Rebellion meet with success; because it was fomented, and is now abetted by none but professed Papists, or such whose passive-obedience principles are absolutely inconsistent with a free government.

It has been often said, Sir, and I think justly, that the people of England have naturally good sense, and generally judge rightly of their true interest, if not misled by the artifices of self-interested demagogues. In my opinion, this observation was never more confirmed, than by the judgment they have made upon the present emergency. From their late silence we are not to suppose, they have forgot the danger their liberties are exposed to by means of corruption; but they think their liberties in much greater and more immediate danger from the success of the Rebellion; therefore they think themselves obliged to suspend their fears of that danger which may accrue from corruption, and to attend to nothing but the most proper methods for defeating the present Rebellion. As in this I approve of their judgment, I think, we ought to follow their example. A contrary course might be of the most dangerous consequence: should we take up the subject of corruption, and resolve to provide against that danger, before we have made the least step towards providing against the other, the people would begin to think themselves wrong in the judgment they have made; they might perhaps suppose, that some leading men amongst us had got such assurances as they could depend on, for the preservation of our liberties and religion; and that this made them divert the attention of the House from its proper object. As I am personally acquainted with most gentlemen in this House, I know it is impossible to suppose any such thing, because I am sure no gentleman in this House would enter into any correspondence with rebels; but the people without doors cannot come at such a knowledge, therefore, from the Amendment proposed, should it be agreed to, they might make such a supposition, and this would of course cool the present zeal of most of them, and might prevail with many to join in the Rebellion.

However fatal the effects of corruption may be to our constitution, I am of opinion, Sir, that it is the duty of every gentleman in this assembly, to let those fears lie hushed till we are delivered from the danger of the Rebellion being successful. Till then we should not awaken those fears among the people, lest it should throw a damp upon their zeal for the support of our present happy establishment. Should the people conceive an opinion, that, let what will happen, our constitution must be undone; and that even under our present establishment, we must hereafter become the subjects, or rather slaves, of a government rendered absolute by means of a corrupt parliament and mercenary army; I say, should such an opinion prevail generally among the people, I am afraid their religion alone would not prompt them to act with spirit and zeal against the rebels; nay, I am afraid their resentment against those who had brought them into such a dilemma, would prompt most of them to join with the rebels, and trust to Providence for the preservation of their religion, as well as the re-establishment of their liberties.

If the hon. gentlemen who have appeared as advocates for this Amendment had considered this consequence, I am persuaded, Sir, they would not have insisted so strongly upon the danger of our neglecting to lay hold of this opportunity, for securing our constitution against the effects of corruption. They would not have so much as hinted, that, if we neglect this opportunity we can never expect another. If I thought so, I should be as zealous as they for the Amendment now proposed: but I am so far from thinking so, that, in my opinion, we shall have a better opportunity after this Rebellion is extinguished, than ever we had before. I have the charity to believe, that the opposition those Bills have hitherto met with, which

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were proposed for guarding against the danger of corruption, proceeded from gentlemen's being of opinion, that the danger was not so great, or so apparent, as to stand in need of such extraordinary preventives; therefore, I am of opinion, that the more apparent this danger becomes, the better opportunity we shall have for securing our constitution against it, because many of those, who, upon former occasions, opposed, will then agree to the preventives that have been proposed, or, perhaps, to much stronger than have hitherto been thought of; and I am persuaded, that the Rebellion, as well as several other incidents that have lately occurred, will make this danger appear greater and more evident to many gentlemen, than it ever appeared before.

Another reason, Sir, for my supposing, that the Rebellion may be the cause of many gentlemen's altering their sentiments with regard to the Bills, that have been proposed for preventing corruption, is this: the Rebellion will convince them, that it is at all times necessary to give some sort of satisfaction to the people, with respect to the dangers they generally apprehend, or the grievances they generally complain of. That the disaffected are too numerous, I shall admit; but I believe, no one supposes them so numerous, as to think, that they would ever rise in rebellion against the government, unless they expected to be joined by great numbers of those, who are not properly disaffected, but discontented. If great discontents had not appeared both in England and Scotland, if great clamours had not been raised through the whole united kingdom against corruption, or if any thing effectual had been done last session towards allaying those discontents and clamours, I am convinced, no man in Scotland, at least not any considerable number of men, would have been so mad as to have joined the Young Pretender upon his landing: I doubt much, notwithstanding the rashness of his youth, and the promises he might have from the court of France, if he would have ventured to have landed in any part of the island, without a number of troops at least sufficient for protecting him against the militia of the country where he was to land. But from the general clamours that had been raised, and from the disappointments the people had met with, both he and those who first took arms in his favour expected to be joined by most of those who had appeared discontented in both kingdoms: and if this had been the case, I doubt much if we should this day have been sitting here to deliberate upon methods for defeating the Rebellion.

Thank God, Sir, the people, from their natural good sense, have judged better than was expected by the Young Pretender and his adherents. Though they thought themselves in danger of being devoured by Scylla, they were too wise to think of throwing themselves in the way of being swallowed up by Charybdis. This indeed is a proof of the wisdom of the people, but at the same time it is a proof of the danger we expose ourselves to, by leaving the people without redress, in respect to any grievance they generally and loudly complain of. Even those who think the people's complaints and apprehensions groundless, will, from our present danger, see, that it is better to remove a groundless popular complaint, than to risk a new rebellion, by turning a deaf ear to it, and obstinately refusing to give the people any satisfaction. Therefore I must conclude, that after this Rebellion is extinguished, we shall have a better opportunity than ever we had before, of getting such Bills passed, as will effectually put an end to corruption, and secure the independency of parliament.

I shall agree with the hon. gentleman, that ministers always have opposed, and I fear always will oppose, any Bill that has a tendency towards preventing corruption. I shall likewise admit, that ministers have for a long time had a great, perhaps too great an influence in this House as well as the other; but I cannot admit as an indubitable position, that they will always have so much influence, as to prevent any such Bills being brought into this House, or to get it rejected by the other. When a question is brought into either House, which in its own nature admits of dispute, and where it is a little difficult to determine which side is most for the public good, it may be in the power of ministers to sway those who are doubtful in their opinion; but when the ministers are on one side, and the public good evidently and plainly on the other, I do not think it ever was, I hope, it never will be, in the power of ministers, to bring a majority of either House to vote for their side of the question. If they have hitherto got a majority, in this or the other House, to vote against the bringing in or passing of such Bills as were proposed for preventing corruption, this, I have the charity to be-

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lieve, proceeded from gentlemen not being at that time fully sensible of the danger we are in from corruption; but when this danger becomes apparent, as it every day does more and more, I am of opinion, it will then be impossibe for ministers, with all their influence, to prevent such Bills being passed by both Houses; and if such a Bill should pass both Houses, I believe no minister will venture advising the king to refuse his assent.

As to the arguments drawn from his majesty's Speech, in favour of this motion, they have, I think, Sir, more of ingenuity in them, than of solid reason. I never heard that the preparing or bringing in of any Bill, could be called an advice to the crown; nor can we pretend to give his majesty any advice relating to the Rebellion, till we have enquired into its causes, and the methods hitherto taken for putting an end to it, whence alone we can discover, if any or what new or more proper methods may be taken for that purpose. And as to the people, no Bills we can frame, can, in my opinion, induce them to assist his majesty more heartily than they seem at present inclined to do. On the contrary, our bringing in, or passing any new and extraordinary Bills at this time, may divert the attention of the people from the chief impending danger, and render them less careful, perhaps less zealous, in providing against it.

Then, Sir, as to the strength our constitution may receive from a happy end being put to this Rebellion, I hope his majesty's prophecy will be fulfilled: I hope the danger we are now in will convince every gentleman, that it is necessary for us to look a little more strictly into the conduct of our ministers than we have done of late; for I am well satisfied, this Rebellion would not have happened, or could not have become so formidable, if there had not been some mistake or neglect in their conduct; and that we may attend to our duty in this respect more closely than we have done for several years past, every gentleman must now see, that it is absolutely necessary to remove from this House all dependance upon ministers of state; for as this House, in its inquisitive capacity, ought to be their masters, it is unbecoming, as well as ridiculous in us to admit any of their servants amongst us. I know no difference between the clerk or secretary of a great minister or his footman, but only that the former must be the greater slave of the two, because he cannot find such a lucrative place under any other master; and, therefore, if we must have the servants of ministers amongst us, I should chuse to have their footmen, rather than those advanced to any degree of preferment. I likewise hope, Sir, that this Rebellion will convince us, how unsafe it is to trust to a standing army alone, and that it is necessary to have not only a nominal, but a real militia, a militia under such discipline and command, as may be of service in time of danger. But such regulations as these deserve a most serious and mature consideration, which requires a time of more leisure and tranquillity than when a Rebellion is raging in the heart of our country, and two powerful hostile nations preparing to invade us. Therefore, Sir, I must be against attempting to frame any such Bills as are hinted at in this Amendment, till a happy period be put to the present Rebellion; and consequently I must be against our agreeing to the Amendment now proposed.

The question, that the Amendment be added passed in the negative: but the main question for the Address passed *nem. con.*

The Commons Address of Thanks.] The Address was as follows:

"Most Gracious Sovereign,

"We, your majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, beg leave to return your majesty our unfeigned thanks for your majesty's most gracious Speech from the throne; and to congratulate your majesty upon your happy, safe and seasonable return to these your kingdoms.

"We cannot sufficiently express our abhorrence and detestation of the unnatural Rebellion now raging in North Britain. Permit us to give your majesty the strongest assurances of our duty and affection to your person and government; and to declare, that we will, with vigilance, zeal, and unanimity, shew a spirit and vigour becoming this time of danger: In order to make these sentiments effectual, your faithful Commons will grant such supplies, and put such strength into your majesty's hands, as, we trust in God, and hope, from your majesty's wisdom, cannot fail to defeat the attempts of those who have already made one part of the united kingdom, and would make the other, a scene of blood, rapine, and confusion.

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"With hearts full of gratitude, we acknowledge, that, under your majesty's royal protection, we have lived in an uninterrupted and secure enjoyment of our religion, laws and liberties. As all these are now wickedly and openly attacked, we are bound, by every consideration, human and divine, to exert ourselves in the defence of your sacred person and government. Your majesty may safely rely on the zeal and vigour of your faithful Commons, who are resolved to act like men, sensible of the blessings we enjoy, and determined to preserve those blessings to ourselves and our posterity.

"We beg leave to congratulate your majesty on the general concurrence of your subjects in these sentiments of duty to your majesty, and zeal for your service; which happy union, we doubt not, will, by your majesty's wisdom, be improved to the future glory and welfare of your crown and people; and to the utter confusion and disappointment of the enemies to both."

The King's Answer.] To which the King replied:

"Gentlemen,

"I return you my hearty thanks for this dutiful and affectionate Address. The zeal and vigour, which you have with so much unanimity declared on this occasion will, I trust in God, enable me to put a speedy end to this Rebellion: whatever strength you shall place in my hands, you may be assured shall be employed only to promote the good and happiness of my people, and to secure to them the perpetual enjoyment of their religion, laws and liberties."

*Debate in the Commons on the Causes of the Progress of the Rebellion.** | Oct. 28. A motion was made by Mr. Hume Campbell, "That a committee be appointed to enquire into the causes of the Progress of the Rebellion in Scotland," which motion occasioned the following debate.†

Mr. *James Oswald:*

Sir; if ever there was a necessity for a parliamentary enquiry, that necessity must now exist; and therefore I was surprised to find the least opposition made to this motion. When misconduct in our public affairs is not only suspected, but from the event apparent, and when by that misconduct the nation is brought into the most imminent danger, surely it is then, if ever, a time for the parliament to enquire into the conduct of our ministers, that those whose wickedness or weakness has brought us into that danger, may be removed, and the management of our public affairs put into the hands of more able or more honest counsellors. At such a crisis, would it be prudent to trust our being brought out of the impending danger, to those by whose weakness or wickedness we had been brought into it? This surely would in all cases be the height of folly; but when the danger is such, that we could not have been brought into it, but by the utmost neglect, or the blackest treachery, it would be the height of madness to trust for our relief to those very men who had subjected us to the danger.

Is not this the case, Sir, with respect to the present Rebellion? Is it possible to suppose, that from such a small beginning it could have risen to such a height, without the most wilful neglect or unpardonable ignorance, in those whose business it was to take care of the internal tranquillity of the kingdom, and who, in the time of a foreign war, ought to have been more than usually watchful to prevent or stifle any civil commotions? What knowledge our ministers might have of the circumstances of their native country I shall not determine: but I am sure there was not a gentleman in the kingdom that ever applied his thoughts to the subject, who did not know, that in the north of Scotland the disaffected were very numerous, and that as the whole country without distinction

* From the London Magazine.

† Horatio Walpole to the Rev. Mr. Milling, Oct. 29, 1745. "As to the parliament, although the Address was unanimous and zealous the first day, yet some questions were started that portended divisions amongst us then. However, yesterday, upon a motion 'To enquire into the causes of the progress of the present Rebellion,' which, if carried, might have led us into divisions and party faction, the House was so fully convinced of the necessity of putting immediately an end to the present Rebellion, preferably to all other considerations, and that the fire should be quenched before we should enquire who kindled or promoted it, that it was carried, not to put that question at this time, by 194 against 112, a majority of 82. So that I hope we shall now proceed unanimously, or at least with a great majority, to find supplies, and ways and means to enable the king to support the government, and restore peace and tranquillity to this kingdom."

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had been disarmed by act of parliament, the friends of the government had it not in their power to prevent or oppose an insurrection of the disaffected, in case the latter should be furnished with arms and ammunition, by our foreign enemies.

In these circumstances, Sir, and when we were at open war both with France and Spain, was it possible for any minister to suppose, that our foreign enemies would not endeavour to stir up the disaffected to rebellion, and to furnish them with arms and ammunition for that purpose, in case the necessary measures should be neglected for preventing its being in the power of the disaffected to assemble, or to rise in arms against the government? This, Sir, was certainly to be expected, even supposing our foreign enemies had never since the war began attempted to invade us, or shewn any design to raise disturbances within the kingdom; but when they had the very year before attempted to invade us, when they had called the Pretender's son from Rome, in order to have him ready to be wafted over to this island, the first opportunity that should offer, surely our ministers ought to have been upon their guard. They ought to have considered the circumstances of every part of the island; and if they had, they must have concluded, that the next attempt would certainly be made upon the north of Scotland, if proper measures were not taken to prevent any insurrection in that part of the country. The attempt made by the French the year before to invade us with a great force, had shewn, that while we were superior at sea, all such attempts would be vain and ridiculous; and unless they could invade us with a considerable force, there was no part of the island, except the north of Scotland, where they could expect to be joined by any great number of the inhabitants; but as to that part of the country, in its then circumstances, if our ministers did not, the French certainly knew, that if they sent but arms and ammunition, the inhabitants themselves might probably make them masters of a great part of the island, and give our government here such an interruption as would, for one campaign at least, prevent our being able to give any great assistance to our friends upon the continent.

Was it not, then, incumbent upon our ministers, Sir, to take all proper measures for bridling the disaffected in that part of the country? Those who know that country better than I do, may, perhaps, suggest several things that might have been done for this purpose, which do not occur to my observation; but there are three things which must, I think, occur to the observation of every man in the kingdom, and that is, to have kept two or three of our ships always cruizing among the western islands and upon the western coast of Scotland; to have posted most, if not all, the troops we had in Scotland at Inverness; and to have provided magazines of arms and ammunition for the well-affected in that part of the country. Our cruizers would have prevented the people of any of the western islands from thinking of taking arms against the government, or would at least have prevented its being in their power to get over to join their friends upon the continent; and if the few troops that were left in Scotland had been posted at Inverness, and arms put into the hands of such of the people as we could certainly depend on, the disaffected could never have got to any head, even supposing they had resolved to make such an attempt. But I am persuaded, if these measures had been taken, none of the disaffected would ever have thought of giving the government any disturbance, nor would the Pretender's son have thought of landing in any part of the British dominions, without such a force as it was impossible for the French to send along with him.

Instead of taking any such measure as I have mentioned, we had not so much as one cruizer stationed among the western islands, nor was the least care taken to provide the well-affected with arms or ammunition; and as to the few troops that were left in Scotland, except a very small garrison at Fort-William, scarcely sufficient for defending the place, much less for keeping the neighbouring disaffected people in awe; I say, except this garrison, the whole of the regular troops left in Scotland were drawn away to the south, where we could not be under the least apprehension of any insurrection or invasion. This conduct of ours, with regard to the north of Scotland, was, certainly, represented in its true light to the court of France, by letters from the Pretender's friends in Scotland, and by this that court was encouraged to equip the Young Pretender for that expedition which has now bred such confusion amongst us; for whatever may be pretended, I am convinced the court of France, under-hand, furnished

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him with money for that expedition. They thought it such a romantic undertaking, that they would not appear openly to have any hand in it; and it was lucky for us they had so bad an opinion of it; for, notwithstanding all the money we pay for secret service, I am afraid our intelligence is not so good, but that the French might have sent, from some of their western ports, a fleet, with three or four thousand land forces aboard, along with the Young Pretender to Scotland. A dozen of transports would have been sufficient for this purpose, and a squadron of three or four men of war would have defended them against our cruizers. Such a fleet, I say, they might, perhaps, have fitted out from one of their western ports, before we had got any intelligence of it; and if the Young Pretender had landed with such a force in the west highlands of Scotland, considering the naked circumstances that country was left in, the Rebellion would, perhaps, soon have become much more formidable than it is at present. Whereas, had the methods which I have mentioned been taken, the Pretender's landing even with such a force, could have given us very little disturbance; because, if they had landed any where to the south of Fort William, they would have found very few to have joined them; and our regular troops, had they been posted at Inverness, with the assistance of the well-affected in that country, would have prevented their being joined by any of the people to the north or west of that fort. The consequence of this would probably have been, that the French troops, upon finding themselves not joined or supported by the people of the country, would have reimbarked; or, if they had not, our army from Inverness, after securing the peace of the country, by seizing most of the chiefs of the disaffected, might have marched against them. And even supposing they had landed in that country where this Rebellion first broke out, if our regular army had been posted at Inverness, and all the friends of the government provided with arms, and ready to assemble upon the first notice, I believe the French would have found very few ready to join them, even in that country where disaffection most generally prevails; because our army being so near at hand, the disaffected must have supposed, that they would be overpowered before they could assemble in any great body.

Sir, it was solely the defenceless condition the country was left in, that encouraged the disaffected to appear in arms against the government: it was this alone that encouraged the French court to send the Young Pretender to Scotland. I shall not find fault with our drawing so many troops out of Scotland, but surely the troops that were left there, ought to have been posted in that part of the country, where an insurrection was chiefly to be apprehended; and since we were to draw away so many of our troops, care should have been taken to have the militia of the country well provided with arms and ammunition, and ready to assemble and march against any that should dare to appear against the government. The islands should likewise, as I have said, been taken care of, by stationing some of our men of war amongst them, because in most of them we could not depend upon the people; and these men of war should have had orders to give attention to what was doing amongst the people, and to send advice to Fort William, if they saw an appearance of any commotion, which advice might easily have been forwarded to our army at Inverness. These precautions were necessary, because we knew that most of the western islands and a great part of the opposite coast, were in the possession of gentlemen very much suspected of disaffection, and who had an absolute command over a people bred to arms, and always too ready to make use of them against our present happy establishment. And not to make use of any of these precautions, at a time when we were in open war both with France and Spain, was, I must say, an unpardonable neglect in those, whose duty it is to watch over and to provide for the preservation of our domestic tranquillity.

Though what I hitherto said, Sir, more properly relates to the rise than the progress of the Rebellion, yet I thought it necessary to explain the defenceless condition in which the north of Scotland had been left, because the progress of the Rebellion is, in my opinion, chiefly owing to the same cause: I mean, a total neglect of the affairs of that country. We not only neglected to take any of the precautions necessary for preventing a Rebellion; but after it was begun, or at least after we had an account of the Young Pretender's landing, we for some time neglected to take any proper method for putting a stop to it. I cannot be particular as to dates, but I must suppose, that the Young Pre-

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tender landed in the west of Scotland about the middle of July, because the engagement between his majesty's ship the Lion, and the man of war he had for his convoy, happened upon the 9th of that month; and as the frigate he was in, proceeded directly upon her voyage, it is probable he landed within six or eight days of that time. As to the particular day on which our ministers here had an account of his landing, I cannot be positive; but I have been told, that they had an account of it by express very soon after his landing. What then was proper for them to do? Our regular troops were then, as I have said, all in the south of Scotland, and consequently at too great a distance to crush the Rebellion in its infancy; therefore, in order to prevent the Rebellion spreading or coming to any great head, we had nothing for it but to trust to such of the people of that country as have always shewn an attachment to our present happy establishment. For this reason proper orders should have been immediately dispatched to the noblemen and gentlemen who were there, to raise their tenants and friends with what arms they could get, and to possess themselves of the strong passes about Fort Augustus, and other places through which the rebels were obliged to pass, in order to march towards the south of Scotland. One of our best-sailing ships should likewise have been immediately dispatched from hence directly for Inverness, with arms and ammunition for our friends in that country.

Was any thing like this done? No, Sir: no orders were sent to any person in Scotland, except to sir John Cope, though there was then a nobleman in Scotland, and very near the seat of rebellion, who, both from his quality and his known attachment to our present royal family, deserved the utmost confidence, and who could have been of great service in stifling the Rebellion in its infancy, had any proper orders been sent to him. But nothing was thought of, save that alone of ordering general Cope to march with what forces he could against the rebels; and the consequence was, that instead of the rebels being penned up in their own barren country, they had possessed themselves of the passes, so that our general with his regular army, could neither attack them nor march into their country, but was obliged to turn off to Inverness and leave them a free passage to Edinburgh; and in their march thither, being joined by all the disaffected in their way, their army was so much increased, that it was apparently of the most dangerous consequence for general Cope, with the small number of troops he had, to engage them. Who it was that advised Mr. Cope's marching back from Inverness, I do not know; but, in my opinion, the advice could proceed from none but such as were entirely ignorant of the nature of the men the rebel army consisted of. To attempt to fight them, after their army was become so much superior in number, was too great a risk and a risk we had no occasion to run; therefore, I think it would have been much more prudent to have ordered Mr. Cope to have staid at Inverness, in order to prevent the rebels getting any reinforcements from that country, and to assemble the friends of the government, who in a short time might all have been provided with arms from hence. While he was there, the rebels would not have dared to march into England, and in a short time an army might have been sent from England, too numerous for them to encounter; by which means an end might have been put to the Rebellion, even without our being obliged to venture a battle, unless with the odds very much in our favour.

From what I have said, Sir, it is evident, that not only the rise but the progress of the present Rebellion, and the formidable aspect it now bears, are entirely owing to the neglect and imprudence of some of those whose business it was to take care of our domestic tranquillity, and to prevent any diversion being given to our arms, either by an invasion or insurrection, at a time when they are so usefully employed for restoring the tranquillity of Europe. Who the persons are that deserve to be blamed, I shall not pretend to point out; but they may easily, and they ought to be pointed out by a parliamentary enquiry. As the danger is now become imminent, this enquiry ought to be immediately entered into. A few days delay may render our difficulties insurmountable. Any new piece of neglect, any new misconduct may render former faults irreparable, and the Rebellion irresistible. It is lucky for us, Sir, that the rebels have amused themselves so long about Edinburgh; for had they marched forward directly after their victory at Preston, they might by this time have been masters of Newcastle, perhaps of York; and had they obtained a new victory in that part of the country, it might have been of the most fatal consequence.

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By our last accounts from the north, they seem now to be preparing for a march, and if they bend their course southwards, as they say they intend, it is high time for this House to think of the safety of the nation, and to have the best pilots that can be chosen, appointed to govern the helm of our public affairs. For this purpose it is necessary for us to enquire into our past conduct with regard to the Rebellion, and therefore I shall be for agreeing to this motion.

Mr. *Winnington*:

Sir; I differ so much from the hon. gentlemen who have made and supported this motion, that I do not think, there was ever a parliamentary enquiry proposed at a more improper time, or into any affair where there was less occasion for it. Such propositions, I know, are always popular, and such enquiries are of use to gentlemen who are seeking an occasion to display their parts, and to shew how fit they are for public business; but as to any use the nation has of late reaped from them, I think, we have no great encouragement to give ourselves any such trouble. For my own part, Sir, I lay it down as a certain rule, that no parliamentary enquiry ought ever to be set on foot, unless when some notable and apparent injury has been done to the public, and that injury of such a sort as cannot be adequately redressed by any other method; and even in this case we ought to chuse a proper time for going into the enquiry, for otherwise it may be of more mischief than benefit to the nation.

According to this rule, Sir, let us examine the proposition now before us. The Rebellion, I shall grant, is a most notable and apparent injury to the public; but by whom has that injury been done? In my opinion, by none but the rebels themselves, and, I hope, we shall soon be in a condition to inflict condign punishment upon most of them, without any parliamentary enquiry. But, say gentlemen, this Rebellion owes it rise, and the success it has met with, to the neglect and imprudence of our ministers. If I thought so, I should be at a proper time as sanguine for an enquiry, as any gentleman in this assembly. But I think quite otherwise; I think it is owing to nothing but the madness, the folly, and the wickedness of those that have engaged in it. Our ministers had, it is true, good reason to suspect, that our foreign enemies would endeavour to invade us; and accordingly they have, ever since the war began, taken such methods as have been effectual for preventing it; but they could not suppose, that a few Scotch Highlanders would be so mad as to take it into their heads, that without any foreign assistance they could conquer the whole island of Great Britain, especially after the parliament and the whole nation had, upon occasion of the late threatened invasion, so unanimously declared for the support of our present government. Nay, even supposing the French had by stealth landed a few troops in the north of Scotland, our ministers had no reason to suppose, that they would be joined by any great number of the inhabitants. His majesty's government, ever since his accession, has been so just and mild, that there could be no discontents in that or any other parts of the kingdom: even the Papists and Nonjurors have been made so easy, and have been allowed so much liberty, with respect both to their civil and religious concerns, that it could not be expected, they would be so wicked as to rebel against a government, which had allowed them so much favour and indulgence.

Our ministers had therefore, Sir, no reason for putting the nation to any expence, on account of guarding against a Rebellion, or to send the troops into quarters, where neither the officers nor soldiers could subsist with any comfort. If they had put the nation to the expence of having three or four of our men of war stationed among the western islands of Scotland, I am persuaded, it would have been made a ground of complaint against them, it would have been said, that as there is no shipping nor any trade upon that coast, there was no occasion for stationing any ships there, and that our trade was neglected in other parts for the sake of keeping cruisers, no one knew for what, upon a coast where no ship ever appears, unless when driven there by stress of weather. In like manner, if large quantities of arms and ammunition, with all the other implements of war, had been sent to the north of Scotland, for the use of the militia there, it would have been said, that our ministers were putting the nation to a needless expence, for guarding against imaginary dangers, at a time when it was hardly able to bear the expence necessary for carrying on the war. Thus, Sir, ministers must expect to be blamed, let them act in what way they will: if they guard

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against all possible dangers, and thereby prevent them, they are accused of wasting the public treasure in guarding against imaginary dangers; and when the nation is brought into any danger, let it be never so accidental, let it be of such a nature as could scarcely before have been said to be possible, they are accused of neglect, ignorance, or want of foresight.

Now, Sir, with regard to the place where the troops left in Scotland ought to have been posted or quartered, I think, it is generally admitted as a maxim in politics, that the preservation of the capital city ought always to be the chief care of the government. I shall grant, that we were not in any danger of an insurrection among the people of the south or south-west parts of Scotland; but if all the troops had been sent to Inverness, it might have encouraged the French to attempt sending two or three thousand land forces to the frith of Forth, or of Clyde, with the Young Pretender at their head; and if they had landed safely in either, with battering cannon, mortar pieces, and other things necessary for a siege, they might have made themselves masters of the castles of Dumbarton, Stirling and Edinburgh, before any sufficient number of troops could be sent against them; for though I do not believe they would have been joined by many of the people in that country, yet I much question if the people could have been persuaded, without the assistance of any regular troops, to take arms against them. Sir, if the Young Pretender, by means of his French auxiliaries, had thus made himself master of the capital of Scotland, and the three strong holds I have mentioned, it would have given such an aspect of success to his cause, that I am afraid, your little army at Inverness would have found few to have joined them: perhaps many of those that had been armed at the expence of the government, would have joined the disaffected against them; and in this case they must all have surrendered prisoners of war, if they had not been provided with ships to carry them by sea to England. I submit it to gentlemen, whether it was not much more reasonable to suppose, and to dread this event, than to suppose or dread, that a few Highland chiefs would be so mad as to take it into their heads, that, without any foreign assistance, without any thing necessary for reducing any one fort in Great Britain, they could conquer the whole island; and if this event was the most probable, and most to be apprehended, then our ministers acted prudently in ordering all or most of the troops left in Scotland to be posted or quartered near Edinburgh.

Having thus, I hope, fully vindicated the conduct of our ministers before the Young Pretender's landing in Scotland, I shall next consider their conduct after they heard of that event. What precise day he landed I cannot tell, but our ministers had no certain account of it till about the end of July; and when they first heard of it, from the small retinue he brought along with him, they had reason to conclude, that he would find none so mad as to join him; however, they ordered all the officers belonging to the regiments in Scotland to repair immediately to their regiments, and they accordingly set out soon after the beginning of August. At the same time orders were sent to general Cope to prepare for marching northwards, arms and ammunition for the militia were sent from hence, and several men of war were ordered away directly to cruize upon the coasts of Scotland. In short, nothing was left undone that could be thought on, for preventing the progress of the Rebellion; and general Cope actually marched northwards with his army, soon after the middle of August; so that if the rebels prevented him in seizing the strong passes near Fort Augustus, it was owing to their most surprizing dispatch in assembling and marching, and not to any delay on the part of the government. As to the militia, or those that are said to be well-affected in that country, they stood in no need of any orders from the government, for by the laws of the country they were obliged to oppose the rebels, if it was in their power; and if it was not in their power, no orders from the government could put it in their power: nothing but the army's marching to their assistance could put it in their power; and this was ordered and executed as soon as possible. But I am afraid, it was not in their inclination; for few or none of them joined Mr. Cope upon his march northwards, and even when he arrived at Inverness, he was joined by very few of the people of the country. The truth is, that though the government may depend upon the honour and good sense of many of the noblemen and gentlemen of that country, the fidelity of the common people is not to be depended on: from their education, or from the aversion they have to the Union, they are so generally attached to the cause of the Pretender,

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that even their masters are not sure of their obeying their commands in any thing that appears to be against that cause; therefore the government, and all those who wished well to the government, were obliged to be extremely cautious of putting arms into the hands of the common people.

Now, Sir, with regard to general Cope's marching back with his army from Inverness, and carrying it by sea from Aberdeen to the frith of Forth, whether he had orders from hence for so doing, is what I do not know: but had he, or had he not, it was in all human appearance the best thing he could do: and if we consider right, we cannot but admire his diligence and dispatch in the execution. The rebel army was then, it is true, more numerous than his; but he had great reason to believe, that the city of Edinburgh would hold out till he should be able to come to its relief; and if it had, their army would not have been half armed, consequently their defeat would have been easy. Even after they had reduced Edinburgh, and had possessed themselves, by some neglect, or something worse, of a great quantity of arms and ammunition, which they found in that capital, general Cope had no reason to doubt the event of a battle, notwithstanding their superiority in number; because his army consisted chiefly of veteran well disciplined troops, and the rebel army of what in no degree could be called any thing but a mob with arms in their hands, without any discipline, without any cannon, and without any horse to defend them against his dragoons. No reason therefore could be assigned for his avoiding an engagement: it would have been reckoned the height of cowardice, if he had proposed it, unless he could have shewn express orders from hence for doing so; and surely our ministers here had no reason for sending him any such orders. It was their duty to order him to bring the rebels to an engagement as soon as possible, because it was for the interest of the public to have a speedy end put to the Rebellion, and because the longer they remained in arms, the better their men would be disciplined, the better chance they had for receiving assistance from France or Spain, and consequently the more difficult it would be to defeat and reduce them.

Sir, if general Cope had remained with his army at Inverness, or if he had avoided an engagement after landing at Dunbar, I am persuaded, it would have been made an article of accusation against our ministers, and would now have been urged as an argument for a parliamentary enquiry into their conduct. By remaining at Inverness he could do the government no service: that town, he saw, was secured by some of the loyal gentlemen in the neighbourhood; and as the rebels expected no reinforcements but from the west, his being at Inverness could not have prevented the march of those reinforcements. His return to the south was, therefore, the only way by which he could do any effectual service to the government. By so doing, he had a chance for putting an end to the Rebellion; and if he had avoided trying this chance, after his safe arrival at Dunbar, or if he had been ordered to avoid trying this chance; it would have been justly called the greatest affront that was ever put upon a regular army.

Thus, I think, Sir, our ministers must appear to be blameless in every part of their conduct with respect to the Rebellion, therefore there can be no reason for a parliamentary enquiry upon that subject; and as to the time, I believe, there never was a parliamentary enquiry proposed at a more improper season. When we are engaged in a foreign war, which must end in the establishment or total overthrow of the liberties of Europe: when there is a hitherto successful Rebellion within the kingdom, a Rebellion growing every day more formidable, and approaching nearer to our capital, and a Rebellion which must end in the establishment or total overthrow of our religion, laws, liberties, and properties: at such a time to amuse ourselves with an enquiry, and to divert the thoughts of our ministers from the care of the public, by making it necessary for them to employ their whole time in taking care of themselves, would, in my opinion, be one of the most extravagant instances of folly that ever any nation was guilty of. I was therefore surprised to hear such a proposition made and supported, at this time, by gentlemen whose judgment I have a high opinion of, and whose sincere regard for the safety and honour of their king and country, could never be called in question. I am convinced, they do not view it in the same light I do; and therefore I must suppose, that they have not duly considered the dangerous consequences of our entering into such an enquiry at such a critical conjuncture. But, I hope, they will now reconsider what they have proposed: and if they consider with attention the dangers

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and inconveniences that may ensue from our entering into the enquiry proposed at such a time as this, I am persuaded, they will wave their motion; if they do not, I have no doubt of having the concurrence of a majority of this House in putting a negative upon it.

Sir *John Barnard*:

Sir; I shall agree with the hon. gentleman in this, that from the success of any late enquiry, we have no great encouragement to enter into any new one: and if this were a good argument for our resolving never to make any future enquiry, it would likewise be an argument for our resolving never to oppose any thing that may hereafter be proposed or recommended by our ministers of state; for the nation has reaped very little benefit from any late opposition. If we were to come to these two resolutions, I think we should add a third, and that is, To resolve never to meet here any more: for after the two first, I am sure the nation could never reap any benefit from our meeting. But, Sir, if we cannot do all the good we desire, I hope, we shall always be steady in the resolution to do all the good we can. Even of late our enquiries, as well as our opposition to bad measures, have done some service to the nation: and by opposing, and enquiring, we may some time or other restore the dignity of parliamentary enquiry as terrible to wicked or weak ministers as ever it was heretofore.

For this reason, Sir, notwithstanding the disappointments we have met with, I shall always be for a parliamentary enquiry, when I think there is the least occasion for it; and when I see it violently opposed by those whose conduct is to be the subject of it, I shall always be the more sanguine for it. Such enquiries may be necessary for preventing the encrease, or the bad consequences of a national mischief, as well as for punishing or removing those that have been the authors of it; for when any signal calamity has befallen us, it is the business and the duty of parliament to contrive methods for putting a stop to it, as well as for preventing any such for the future, neither of which can be done effectually, without enquiring how that calamity was brought upon us. Will any gentleman say that a rebellion, so formidable as the present is become, is not a national calamity? Can any one suppose, that such a calamity could be brought upon us, without some neglect or misconduct in those whose duty it was to guard against every possible calamity? I shall not say, that this was a wilful neglect, or that any minister thereby designed to furnish the disaffected with an opportunity to rebel; but this I will say, that an unsuccessful rebellion is always of great use to a minister; because it serves to increase and establish his power, and furnishes him with an opportunity to gratify many of his friends, as well as to be revenged of some of his enemies. No rebellion can therefore break out in this country, but what must afford matter of suspicion against those who happen to be our ministers at the time. If the rebellion proceeds from disaffection, it is to be suspected, that the minister, for his own private ends, furnished them with an opportunity to rebel; if from discontent, it is to be suspected, that the minister, by his oppression designedly provoked them to rebel; and as a reasonable suspicion is always good ground for a parliamentary enquiry, I think, it ought upon every occasion to be the certain consequence of a rebellion. Such a consequence our ministers ought at all times to be made to expect; because it will of course make them more watchful, and at all times more careful to prevent any insurrection or rebellion, and to put a stop to it before it has spread so far as to involve great numbers of people in the crime; for though I am as great an enemy to the cause of Jacobitism as any man can be, yet I cannot wish for the extirpation of all those that have been deluded into that cause. Compassion has always made me wish, that they might be kept free from being criminal, till means be found for convincing them of their error. The spirit that now appears in England is a proof that this is far from being impossible; and if the same effect has not been produced in Scotland, I am afraid, it is because the proper means have not been used: perhaps, upon enquiry, it may appear, that every method necessary for this purpose has been neglected; and that a certain set of people there have rather endeavoured to propagate the principles of Jacobitism, that the whole favour of the government might be engrossed by their particular faction.

But this, Sir, and every other fact relating to the rise and progress of the present Rebellion, we cannot properly say any thing to, till we have enquired into them. Without a previous enquiry we can argue

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only from reports and conjectures, which is a method of arguing unworthy of either House of Parliament. For inducing me to be for a parliamentary enquiry, it is sufficient that a rebellion has broke out in the kingdom, especially as that rebellion has by some means or other become formidable and really dangerous. Whether all this has happened by mere accident, or by events which could not be foreseen, or whether it has happened by the casual or wilful neglect, or by the weakness and imprudence of those whose duty it was to guard against it, are questions that can be resolved only by an enquiry; therefore at present all reasoning upon such questions is premature, and can serve only to mislead gentlemen with respect to the question now properly before us. To tell us that the Rebellion is evidently not owing to the neglect or imprudence of our ministers, but to the madness of those who are concerned in it, is to tell us the very thing now proposed to be enquired into, and this, surely, we are not to take upon the *ipse dixit* of any minister; but I must beg the hon. gentleman's leave to say, that whether the Rebellion be madness or no, is a question not yet determined; I hope, the event will shew it to be madness; but till it is suppressed, we cannot say, that through madness it was undertaken; and if it was or should appear to have been undertaken through madness, it was a madness that might very easily have been foreseen by our ministers, and a madness which they ought to have guarded against.

I say, Sir, I hope, the event will shew that the present Rebellion was a very rash, if not a mad undertaking; but whatever the event may prove, if we consider the circumstances we were in last summer, and the opportunity then offered to the disaffected for rebelling against the government, we cannot say, that the present Rebellion proceeded entirely from the madness of those that engaged in it. They certainly had the most solemn promises of assistance both from France and Spain, and what promises they had from their brethren here in England, we cannot as yet determine: at the same time they saw, that most of the regular troops had been drawn out of the kingdom, without taking any one measure, either by arming and disciplining the militia, or by raising new regiments, for opposing and defeating any attempt that might be made by them: they therefore concluded, with some reason, I think, that the present was a better opportunity than they could ever have expected, for making a push against our present happy establishment: and if we do not exert ourselves with more wisdom and vigour than we have hitherto done, whatever other gentlemen may be, I am really afraid of the consequence.

This, I say, Sir, is what chiefly induces me to be for the enquiry proposed: I do not believe, it is proposed with a design to subject any man to punishment, unless that of being removed from a trust he is not fit for, can be called a punishment. Whatever weakness or imprudence may appear in the late conduct of our domestic affairs, I hope, nothing wicked or criminal will appear in the conduct of any of our ministers, with respect either to the rise or progress of the present Rebellion. However suspicious their conduct may appear at present, I hope, they will be able upon an enquiry to clear it from an imputation of any wilful neglect or criminal design: but I very much doubt, if they can answer for their knowledge, prudence and foresight. They certainly knew, or they ought to have known, that there were great numbers of disaffected in the north of Scotland: they could not but know, that there were then several noblemen and chiefs of clans in France, who had been attainted in the year 1715, and who by means of their family interest had a great sway, notwithstanding their attainder, in their respective countries. These they knew subsisted by the bounty of the courts of France and Spain; and consequently were obliged to go upon the most desperate undertaking those courts could devise. As we were then in open war with both; as most of our troops were then in Flanders fighting against France; and as France had but lately found it to be impracticable to make any attempt upon England; was it not to be supposed, that some attempt would be made upon Scotland, if care was not taken to prevent it, either by keeping a large body of regular troops there, or by having the militia well provided with arms and ammunition, and ready to march upon the first notice of any insurrection designed by the disaffected? It is not enough to tell us, that proper orders were sent as soon as we heard of the Young Pretender's landing, though this is only said, and by common report is contradicted. The orders should have been there before he

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landed; and if they had. I am convinced, he would have found no man ready to join him: notwithstanding his obstinacy, he must have reimbarked, or fallen a sacrifice to our just resentment.

As no previous measures were taken by the government for preventing or crushing any insurrection in that country, we cannot wonder, Sir, at the success the Young Pretender met with upon his landing; and if we consider right, as little can we wonder at his meeting with no opposition from the well-affected in that country. By an act of the first of his late majesty, that whole country, friends as well as foes, had been disarmed, and every man made liable to a fine of at least 5*l.* besides the forfeiture of his arms, if he should, after the 1st of November, 1716, be convicted of having in his custody any arms offensive or defensive, and to be transported if he could not pay the penalty. This act was renewed and farther enforced by another act of the 11th of the same king; so that it could not be supposed, that the well-affected in that country had any arms wherewith to defend either themselves or their country; and it will not be pretended, I believe, that any magazines of arms had been provided by the government for their use, though the providing of such magazines seems plainly to have been pointed out by the first act I have mentioned. Surely, our ministers could not be ignorant of these circumstances, and in these circumstances, could they expect, that the well-affected either could or would oppose any insurrection of the disaffected, who would certainly be provided both with arms and ammunition by our foreign enemies?

With regard to the rise of the Rebellion, therefore, I think, we have great reason to suspect the knowledge or the prudence of our ministers; and as to the progress of it, I do not think it was very prudent to order general Cope to march to the north, or to stand an engagement with the rebels after he returned to the south. But all this will best appear upon an enquiry; for till then, we can argue only in the dark. Now, Sir, as to the present being a proper time for an enquiry, I have said, that parliamentary enquiries are often designed to prevent the encrease, or the bad consequences of a national mischief. The enquiry now proposed I take to be one of these; and for this purpose the present is the only proper time. Surely, the hon. gentleman was not serious, when he talked of our diverting the thoughts of our ministers from the care of the public, by making it necessary for them to employ their whole time in taking care of themselves. Are there no noblemen or gentlemen in the kingdom fit for being ministers of state, but that particular set now employed? I am afraid, the Rebellion, as well as some of our other difficulties, are owing to their having employed more of their time in taking care of themselves than of the public; and if it should appear to be so, it is high time to take the care of the public out of their hands. I will engage, his majesty would be under no difficulty, should he find it necessary to dismiss every minister, and every counsellor, he now employs. But after all, Sir, how could such an enquiry, as is now proposed, divert the thoughts of our ministers? This enquiry could take up very little either of their or our time, for after the proper papers are once laid before us, I am persuaded, we might finish the affair in a day or two; and surely, it could not take up much of their thought, or time, to give orders to their clerks to lay the proper papers before us. The enquiry proposed can therefore be attended with no inconvenience to the public; but our neglecting or delaying to make an enquiry, may give success to the Rebellion, and bring ruin upon the nation; for which reason I must be for the motion.

The Motion was then negatived by 194 to 112.

*Debate in the Commons on a Motion, That the Officers in the New-raised Regiments may not be allowed Rank after those Regiments are broke.**.] November 4. A Motion was made, "That an humble Address be presented to his majesty, most humbly to beseech his majesty that the Officers in the New Regiments now raising, or already raised, may not be allowed any Rank from their Commissions after those Regiments are broke." The substance of the Arguments for and against the motion, will appear in the following speeches.

Mr. Hume Campbell:

Sir; when we were first informed of the proposals, which have been made by the noble lords to his majesty, for raising fifteen new regiments, to be employed at this time of distress in the de-

* From the Gentleman's Magazine.

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fence of the nation, I was, like others, dazzled with their zeal, and kindled by their fervour; I was enamoured of their generosity, and struck with veneration of their fidelity; nor do I doubt but the same sudden surprize had the same effect upon many greater understandings, and perhaps upon that of his majesty.

But this admiration, Sir, has at last subsided, and given way to more distinct and regular considerations, which have been assisted by the arguments of others, and by observation of the general sentiments of the nation; and I hope it will not be supposed the effect of disregard to the public, or of private malevolence to any of the illustrious names involved in this enquiry, that I declare myself every moment less pleased with the measures which they have taken, and which they have persuaded his majesty to encourage. In the fate of the public I myself am involved, and therefore the desire of preserving myself determines me to contribute whatever is in my power to the security of my country; and, with regard to the noble lords, I have never been injured by them, and therefore cannot look upon them with personal malignity, nor have any inclination to provoke men whose great power and influence have so lately been proved.

I shall not, Sir, either endeavour to confirm or to refute the suspicion, that, under this mask of disinterestedness and public spirit, are concealed views of private advantage, and a scheme for growing great by public calamities. But it must, Sir, be admitted, that the command of a regiment, with the unlimited power of conferring all the subordinate commissions, might afford some temptations to men of narrow minds, whose dispositions were either sordid or ambitious; nor can it be denied that forces might be raised upon such terms, by men whose regard to the preservation of the public was not the only motive of their activity.

But, Sir, it is in itself of little importance what are the motives of any measures which regard our country; it is our chief duty, especially at a time like this, to keep our eyes steadily to our own safety, and to consider not so much the cause as the consequence, of the practices to which our concurrence is demanded; and if these regiments, instead of conducing to the safety of the nation, are likely to bring it into danger; if they can be either of no advantage to the public, or of so little as cannot be put in balance with the detriment which it will suffer from them, it is our duty not to flatter the zeal of the noble lords at the expence of the public safety, nor to allow their ardour to hurry them into schemes, which themselves as well as we shall have reason to regret.

That this sudden and irregular increase of our forces will probably produce great dangers and inconveniences, is now, I think, apparent; dangers, Sir, which our gratitude ought not to overlook, and which our confidence ought not to incur. For what can be imagined but that it will universally and irreconcilably disgust our standing troops; and what may not be feared from that disgust, at a time when the whole nation is in their hands, when an enemy is in the midst of our country, and when there is reason to believe that there are many who will take the opportunity to infect their principles, and to spread disloyalty among them?

The same interest, Sir, which has enabled these noble lords to obtain the power of nominating their own officers, will likewise raise those whom they have named to higher commissions, whenever any vacancies should happen in the army; and what then must be the state of those who have nothing to recommend them but their sufferings, and wounds? With what hope, Sir, can a man, who has nothing to plead but that he has done his duty, stand in competition with him who is supported by the power of the greatest of the nobility, and whose solicitations are assisted by the high officers of the state, whose constant access to the sovereign gives them an irresistible superiority to all other petitioners?

That those who have been already distinguished by the noble lords will hereafter be promoted by the same influence, that their interest will be thought sufficient to set them on an equality with others who have served longer, and that they will on many occasions, in confidence of that interest, neglect some of the duties of their profession, and refuse that regard to their superiors which is of the utmost necessity in military transactions, and which is duly paid by those who have no other way to promotion, will, by all those who have any acquaintance with human nature, be readily believed; and it will with equal facility be admitted by them, that every man who sees his services thus slighted, and his pretensions overborn, by men who have no other claims than the friendship

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or the favour of powerful solicitors, will think himself injured; and it cannot but be feared that those who are injured will resent the injury.

If it be alleged, Sir, that these effects are far off, and therefore unnecessary to be mentioned in the present consultation, it may be answered, that it is our duty, and our chief duty as constituted by the public, to inspect, as far as is granted to human sagacity, into futurity, and to obviate those projects, of which we find that the consequences will be probably very different from the present intention, and from which the public is likely to receive more injury than advantage.

But in reality the ill consequences may perhaps be nearer than the objection supposes; for what is feared may sometimes affect the mind no less forcibly than what is felt; and if it be found by the army, who want not discernment to perceive their own danger, that measures are taken contrary to their honour, and pernicious to their interest, they may easily be persuaded to resent the design of oppressing them as much as the oppression, and suffer themselves to be as far influenced by the desire of preventing disgrace as of resenting it.

But it may be likewise added, that if the inconveniences of this addition to our troops are at a distance, the advantages appear hitherto very little nearer: and that therefore one consequence equally remote may be very properly put in the balance against another. For what advantage can it be supposed that the nation can receive, in the present state, from the regiments which are now only raising, when the danger which they are to oppose is almost falling upon us? Our hopes incline, and our reason directs us to believe that, before they can be raised, our domestic enemies, whom they are intended to oppose, will be entirely suppressed; and it is certain that though they should be raised, they will not be disciplined before the danger, or the hope of resistance is at an end; and that in the mean time they will only expose us to contempt by their unskilfulness, and embarrass the regular troops, who will have little inclination to associate with them, but will rather divert themselves with their ignorance than endeavour to instruct them, and who will consider them as intruders into posts for which they are not qualified, and as robbers, who snatch from the mouth of the veteran that bread which he has earned in the camp, the march, the field, and the garrison; and tear from his head those honours which merit and service only have a right to wear.

What hope can be reasonably formed that two bodies of men, thus opposite in interest, and thus invidiously opposed, can associate with confidence, and co-operate with sincerity, I suppose every gentleman in the House easily perceives; and therefore it will not be necessary to prove that some scheme should be formed, by which the resentment of the army may be softened, and the unlimited influence of these great lords in some degree restrained. Nor can I think any way more easy, or more proper, than that of addressing his majesty to limit the authority which the first ardour of his gratitude disposed him to confer with too great liberality, and to revoke the grant of rank which is given to the new officers.

This regulation cannot be thought unreasonable by any who are not interested in opposing it; for upon what pretence can he who deserves less, be put upon the level with him whose merits are greater? Why should he who is unskilful in any profession enjoy the privilege of directing those who have by long study and experience attained knowledge and reputation? And how should those who have neither studied nor practised war be skilful commanders, or whence can arise their military merit, who have never yet seen an enemy?

But this, though surely sufficient, is not the only reason for which they may without impatience see themselves excluded from rank in the army; they have taken commissions upon terms different from those on which the regular troops are constituted, as they are exempted from foreign service, and intended only to serve during the present exigence. And surely such short service, which yet is not likely to be shortened by their skill or valour, ought not to entitle them to an equality with those who have resigned themselves to the service of their country without limitation, and who are not at liberty to decline any hardship that the general security shall require them to suffer, who may be sent to make war in distant climates, and encounter with fatigue, pestilence and want.

Since therefore the officers of the new regiments must be ignorant, because they are new; since they are not likely to be of much use on this occasion; and have

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covenanted to be of none on any other; I cannot but conclude that it would be reasonable that their rank should regard only their own regiments, without any respect to the other forces.

Mr. William Pitt:

Sir; it has not been without an uncommon degree of indignation and surprise, that I have heard the proposal now made for denying to the gentlemen who have obtained commissions in the new regiments, the same rank in the army with other officers of the same denomination; a proposal so contrary to the practice of all other times and all other nations, so injurious to the honour of his majesty, so detrimental to the interest of the public, and so ungenerous with regard to those who are immediately affected by it, that I cannot but hope that a very slight examination will be sufficient to shew its impropriety; and that the show of equity with which it is recommended will quickly vanish, and leave its real absurdity and injustice open and apparent.

That a commission, and the rank implied by that commission, were ever separated, I believe cannot be asserted; nor will it be very easy to shew that they are in their own nature separable. For what is a commission more than a certain degree of power and authority conferred by the king, by which, as the person who obtains it is made subordinate to some, he is made likewise superior to others? This is a commission, and this the rank implied by a commission. But if this rank be denied, what does a commission confer? Does it not then become an empty form of words, by which nothing is implied? Does it not sink the officer below his fellow-subjects, by giving him only a false title, and branding him with ridicule? Does it not place him in a state in which no man ever existed before, flatter him with a show of privileges, which, when he attempts to grasp them, vanish away, leave him eternally in doubt about the meaning of his commission, and the extent of his power, and involve him in perpetual difficulties to reconcile the appearance of command with the negation of that rank which command implies? To grant commissions, and refuse rank to those commissions, is, in my opinion, to separate things which are by nature conjoined, and by each of which the other is implied; it is to disunite matter and solidity, or ice and cold.

This proposal, Sir, is not only irrational in itself, for, though it could be reconciled to sense, and reduced to practice, would be in the highest degree imprudent and unequitable: unequitable, because it would injure those who have engaged, at this time of danger and distress, in the service of their country: and imprudent, because it would discourage them from offering to serve it, if the same danger should at any time return.

The noble peers, who have undertaken to raise regiments for the public service, at this time, have signalized themselves by a very laudable and eminent degree of zeal, and such zeal deserves to be rewarded. They have stood like men of fortitude and integrity in the gap, at which war and confusion were breaking in upon us, and have by their influence and example raised the same spirit in others, who, had they not been thus animated to resistance and resolution, would inevitably have sunk under their fears, and suffered all the calamities of an invasion without daring to attempt the means of opposing or preventing them.

It is not easy to believe how much mankind are influenced by example, or how readily one imitates those whose rank has raised them up to distinction and observation; who have, by their affability and generosity, endeared themselves to the inferior classes of the people. In all public exigencies the greatest part of mankind, as they are unacquainted with political reasonings, can have no other rule for their conduct, than the example of those whose rank intitles them to the superintendence of public affairs, and whose integrity and goodness have procured them the confidence of their dependents and their neighbours. Such, Sir, are the peers by whose influence these new regiments are to be raised, and by whom the nation has been roused from cowardice and from inactivity; such are the names which must testify to all the neighbouring nations the disposition of the English nobility, which must give confidence to our friends, and strike our enemies with despair; names, which will extend their influence through every rank of men amongst us, and kindle an universal ardour against the disturbers of our happiness; names! which will waken indolence, animate cowardice, enlarge avarice, and conquer despondency. And which, therefore, I cannot but think of more importance on the present occasion than

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the pomp of alliances, and the prospect of succours, and of which it may be with justice concluded, that they contribute more to the public security, than so many battalions in the service of his majesty.

The officers who are to be employed under them, the officers who are thought unworthy of rank in the army, are men whose fortunes and whose merit raise them to distinction in their own counties, and whose example will have in a less degree, in a degree proportionate to their elevation of dignity and wealth, the same influence with that of their commanders. They are men not driven into the army by necessity, but who serve their country from their zeal for its security. And surely to disgrace such men for their honest ardour, would not be just; and to hinder such voluntary services in times of difficulty and danger, would not be prudent.

If it could be possible to persuade the House that such ignominious restrictions are necessary or proper, that it can be the policy of any state to be ungrateful to its defenders, or that loyalty ought to be stigmatized with reproach rather than rewarded with honour, it might be hoped at least that some stronger arguments would be produced in favour of such paradoxical positions than have yet been offered, and that men should not deviate from the beaten paths of prudence and morality, without being able to shew that the seeming irregularity of their conduct was to be supported by the strongest arguments which such questions can admit; and that they in reality were promoting the great purposes which they seem to obviate, and were tending by oblique paths to that end, to which the direct way is precluded or obstructed.

Yet what arguments have been offered in defence of this new, this astonishing motion, but such as only serve to shew that it cannot be defended; such as either ought never to be heard in this House, or which, if they are heard, cannot be regarded? The chief if not the only subject of declamation has been the discontent which this new promotion of officers will raise in the army, and the danger which that discontent will bring upon the nation; a position so dangerous in itself, so reproachful to the army, and so injurious to our own dignity, that I think it ought to be for the future inhibited, and that it can never be mentioned without danger and reproach.

It would be certainly in the utmost degree reproachful to the legislative assemblies, if they should suffer their deliberations to be influenced by any particular classes of men, or should descend before they adventured to determine the questions, to examine how their determinations would be received by those whom they might affect. The right of enquiring what measures may conduce to the advantage and security of the public, belongs not to the army, but to this House; to this House belongs the power of constituting the army, or of advising his majesty with regard to its constitution; our armies have no better right to determine for themselves, than any other body of men; nor are we to suffer them to prescribe laws to the legislature, or to govern those by whose authority they subsist.

If therefore the gentlemen of the army should happen to be offended, I cannot discover how their discontent has any claim to our consideration. But, indeed, I cannot conceive that we should give them any just cause of dissatisfaction, or that they will dare to declare their disgust unless they are encouraged by the conduct of some of our own members to so daring and lawless an attempt.

That arguments, like those which we have heard on this occasion, may weaken our authority, and expose us to importunities and insults, is indeed very probable: and I hope therefore that they will always be discouraged, and that those who so much appear to desire the perpetuity of our government, will take care not to weaken it by such imprudent and unconstitutional insinuations; but that any complaints will be made by the army on this occasion, I cannot conceive, because I cannot discover that they are in any degree injured.

That some gentlemen will, by the establishment of these regiments, be raised to commissions superior to those of others who have served longer, cannot be denied; but this cannot well be considered as injurious, because such promotions are every day seen in the army, without any general murmurs, and certainly without danger of defection; for though long service is always a pretence for asking promotion, it has not at any time been allowed a claim which might not for other reasons be set aside.

What is thus daily practised without any uncommon merit on one side, or ur-

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gent necessity on the other, may surely be allowed without complaints to those who have such unusual claims, in a time when measures of an uncommon nature are absolutely requisite. What is granted, only to gratify an importunate or powerful solicitor, will certainly not be refused to the general security; nor will the army, which at other times has submitted to this arbitrary distribution of preferments, when peace and safety allowed proportion for remonstrances, chuse this exigence for complaint, or for opposition; they will either allow the justice of this procedure, or connive at injustice which cannot be avoided; and having been so many years distinguished for their loyalty, they will not destroy their own reputation by distressing, at a time like this, a people by whom they have been so long maintained without necessity, only in expectation that if any time like this should happen, they should be defended by them.

But there is one more consideration, which ought not to be passed over. Those who advise us to deny rank to the new officers, advise us to deny what our sovereign has already granted, and what he had an undoubted right to grant; they advise us to vacate his commissions, and set aside his promise as of no value; they advise us to weaken him at a time when he wants an addition of strength, and to show our enemies that he is at variance with his parliament, when we should endeavour to exalt him by new acts of confidence and regard. For these reasons it appears to me that the proposal is equally injurious to the king, the nation, the army, and ourselves; and therefore I shall vote against it, and hope that it will be rejected.

The House divided: Ayes 132; Noes 155. So it passed in the negative.

Resolutions of both Houses concerning the Declarations, &c. of the Pretender.] November 7. Both Houses agreed upon the following Resolutions:

"Resolved, by the Lords spiritual and temporal and Commons in parliament assembled, That the two printed papers, respectively signed 'James R.' and dated at Rome, the 23rd of December 1743; and the four printed papers, signed 'Charles P. R.' dated respectively the 16th of May, 1745, August 22nd, 1745, the 9th October, 1745, and the 10th October, 1745, are false, scandalous, and traitorous libels, intended to poison the minds of his majesty's subjects; containing the most malicious, audacious, and wicked incitements to them to commit the most abominable treasons; groundless and infamous calumnies and indignities against the government, crown, and sacred person, of his most excellent majesty king George 2, our only rightful and undoubted sovereign; and seditious and presumptuous declarations against the constitution of this United Kingdom; representing the High Court of Parliament, now legally assembled by his majesty's authority, as an unlawful assembly, and all the acts of parliament passed since the late happy Revolution as null and void: and that the said printed papers are full of the utmost arrogance and insolent affronts to the honour of the British nation, in supposing that his majesty's subjects are capable of being imposed upon, seduced, or terrified, by false and opprobrious invectives, insidious promises, or vain and impotent menaces, or of being deluded to exchange the free enjoyment of their rights and liberties, as well civil as religious, under the well-established government of a Protestant prince, for Popery and slavery, under a Popish bigoted Pretender, long since excluded by the wisest laws made to secure our excellent constitution, and abjured by the most solemn oaths.

"That, in abhorrence and detestation of such vile and treasonable practices, the said several printed papers be burnt, by the hands of the common hangman, at the Royal Exchange in London, on Tuesday the 12th day of this instant November, at one of the clock in the afternoon; and that the sheriffs of London do then attend, and cause the same to be burnt there accordingly."

The King's Message respecting the 6,000 Hessian Troops taken into British Pay.] December 19. Mr. Pelham presented to the Commons the following Message from his Majesty:

"George *R.*

"His majesty having received undoubted intelligence, that preparations are making at Dunkirk, and other ports of France, which are now in great forwardness, for invading this kingdom with a considerable number of forces, in support of the Rebellion carrying on here, in favour of the Pretender to his crown; and some French troops being already actually landed in Scotland, under the command of a person who has sent a message to the

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generals of some of his majesty's forces, declaring that he is come into this kingdom to make war against his majesty, by the orders of the French king; his majesty has thought it proper to acquaint the House of Commons with an event of such high importance to his crown, and to the peace and security of these kingdoms: and his majesty having, the last summer, taken into his service 6,000 Hessian troops, by virtue of a treaty concluded between his majesty and the king of Sweden, Landgrave of Hesse-Cassel, dated the 5-16th day of June 1745, has judged it necessary to direct the said Hessian troops to be brought into this kingdom, in order, in conjunction with his majesty's British forces, the more effectually to repel the said invasion, and to suppress the present Rebellion: his majesty therefore doubts not, from the experienced zeal, duty, and affection of his faithful Commons, that they will enable him to make good the said treaty, will strengthen his hands, and concur in all such measures as shall be necessary for disappointing and defeating so dangerous an attempt, and for the security of his person and government, and the religion, laws, and liberties of this kingdom. His majesty has also ordered a copy of the said treaty to be laid before this House."

The Commons' Address thereon.] A motion being made, and the question being proposed, "That an humble Address be presented to his majesty, to return his majesty our thanks for communicating to this House the advices he has received of the preparations making at Dunkirk, and other ports of France, for invading this kingdom, in support of a Popish Pretender, and of the actual landing of some French troops in Scotland; to express our detestation and abhorrence of this daring attempt, and of the insolent declaration of the person who takes upon him the command of those troops; to return his majesty our thanks for his paternal care for the security and safety of his people, in directing the Hessian troops, taken into his majesty's service last summer, to be brought into this kingdom, in order the more effectually to repel the said invasion, and to suppress the present most unnatural Rebellion; to assure his majesty, that this House will make good any expence incurred on that account; that we will, with our lives and fortunes, support his majesty's most sacred person and government, and heartily concur in such further measures, as shall be found necessary to put a strength in his majesty's hands sufficient, by the blessing of God, to deter our avowed enemies from prosecuting their ambitious designs, totally to extinguish the present wicked Rebellion, and to rescue these kingdoms from all apprehensions of Popery and arbitrary power."

An Amendment was proposed to be made to the question, by leaving out the words "his paternal care for the security and safety of his people, in directing" and inserting, instead thereof, these words "having acquainted this House, that he has given directions for," in order to introduce, after the word "account," and before the word "that" these words, "as a strong instance of that ardent zeal for his majesty's person and government, which this House desires particularly to manifest in this critical conjuncture, and in full confidence that his majesty will, from his paternal care, exonerate the nation, as soon as possible, from the burthen of foreign troops; and in discharge of our duty to his majesty and our country, most humbly to represent to his majesty, that it is the opinion of this House, that the national strength of this kingdom is the natural, constitutional, and safest means of defending the religious and civil rights of this kingdom, and of preserving his majesty's person and government, and the Protestant succession in his royal House; and to assure his majesty."

And the question being put, that the words proposed to be left out, stand part of the question; the House divided: Yeas 190; Noes 40. So it was resolved in the affirmative. Then the main question being put; the House divided: Yeas 180; Noes 32. So it was resolved in the affirmative.

The King's Answer.] The King returned this answer:

"I thank you for this dutiful and affectionate Address. As I have always made the laws of the land the rule of my government, you may be assured I shall make no other use of the trust you repose in me, but to defeat any attempts of our enemies, and to suppress the present Rebellion; which, by your vigour and support, I doubt not, with the blessing of God, soon to accomplish."

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1746.

The King's Speech respecting the Rebellion, and the State of Affairs in Europe.] January 14, 1746. The King made the following Speech to both Houses:

"My Lords and Gentlemen,

"At the opening of this session of parliament, I did not think it proper to lay any thing before you, for your consideration, but what immediately related to the present unnatural Rebellion, and our security at home. The daring attempt, which the rebels have since made, upon this part of my kingdom, has been happily disappointed: and as their precipitate flight, before a small number of my troops, must greatly dis-spirit their followers; so that inviolable duty and loyalty, which have been so universally and steadily shewn by my faithful subjects, and shall never be forgotten by me, must convince them how vain and ill-grounded their hopes were of any addition of strength from such an enterprize.* I have not only sent a considerable body of our national forces into Scotland, and ordered the Hessian troops in my pay to be landed there; but have also made such a disposition of the rest of my forces by land, as well as by sea, that I hope, by the blessing of God, this Rebellion will in a short time be extinguished, and our enemies, who have so long menaced us with an invasion, be deterred by the seasonable preparations made for our defence.

"The election of the emperor, which I very zealously promoted, was an event of great importance, not only to the support of the House of Austria, but to the liberties of Europe in general. I did also, during the course of the last year, exert my earnest endeavours to bring about an accommodation between the empress, the king of Poland, and the king of Prussia; and laid a proper foundation for it, by the convention made between me and the king of Prussia. This great work being at length perfected, under my mediation, by the treaty lately concluded at Dresden, the interior tranquillity of Germany, amongst the princes of the empire, is now restored. My next care has been, and shall continue to be, applied to improve this accommodation to the best advantage, by procuring an immediate succour to be sent to Italy; and such a strength for the defence and security of the United Provinces, as may preserve that republic, the ancient and natural ally of this kingdom, and one main support of the Protestant cause, from the destruction with which it is threatened, as well as to attain a safe and honourable peace. The States General have made the most pressing instances to me, to assist them in this difficult conjuncture: the imminent dangers to which they are at present exposed, which do so nearly affect the safety of Great Britain, as well as the very being of Holland, call for our most serious attention; for the interests of the two nations are so united, that whatsoever brings ruin upon the one, must in consequence be attended with the most fatal mischiefs to the other. These reasons have induced me to assure the States, that I will, to the utmost of my power, according to the circumstances of my own dominions, co-operate with them, towards opposing the further progress of our enemies in the Netherlands, and procuring a proper security for the republic against the ambitious and destructive designs of France. In order to this necessary end, measures are now actually concerting between me and the States, for furnishing this assistance, on my part, as early and effectually as possible; and for their making such an augmentation of their present forces, as their own immediate preservation and the necessity of affairs absolutely require.

"The great advantages which we have received from our naval strength, in protecting the commerce of my subjects, and intercepting and distressing that of our

* "Notwithstanding the favourable turn which the affairs of the rebels seemed to take by the battle of Falkirk, the public soon resumed a spirit worthy of itself. The associators and contributors for the relief of the soldiers about London, exerted themselves more than ever. Upwards of 18,000*l.* had been subscribed for at Guildhall, of which 5,000*l.* was expended for rewards to the maimed and wounded. 5,000*l.* more was given in rewards to such private soldiers and non-commission officers as should merit the same by their bravery. 300*l.* was sent to Newcastle for the benefit of the sick there; and the following accommodations and cloathing were sent to the army from the same subscription, viz. 20,000 shirts, 15,000 pair of breeches, 160,500 pair of stockings, 10,000 woollen caps, 12,000 pair of gloves, 9,000 pair of spatter-dashes, and 1,000 blankets; the sending of all which to Scotland cost 400*l.* The whole expence amounting to 17,256*l.* 16*s.* 2*d.* Other contributions for the same noble purposes, were made in other parts of England." Tindal.

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enemies, have been happily experienced by the former, and severely felt by the latter: I am therefore determined to be particularly attentive to this important service, and to have such a fleet at sea early in the spring as may be sufficient to defend ourselves, and effectually to annoy our enemies.

" Gentlemen of the House of Commons;

" It is with much regret that I find myself obliged to ask any further aids of my people. I am so sensible of the burthens they endure, that nothing could give me so sincere a pleasure as to lighten them: But the considerations I have laid before you are so necessary to our own preservation, that I doubt not you will grant me such a supply as shall be sufficient for these purposes. The proper estimates shall soon be laid before you; and I earnestly recommend it to you, to take the most effectual methods to maintain the public credit in this conjuncture.

" My Lords and Gentlemen;

" I have fully opened to you my views and intentions; which are so essential to the honour of my crown, and the true interest and well-being of my kingdoms, that I depend on your vigorous support, and the utmost unanimity and dispatch in your proceedings."

The Lords' Address of Thanks.] His majesty having retired, their lordships agreed upon the following Address:

" Most Gracious Sovereign;

" We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty our humble thanks for your most gracious Speech from the throne.

" The great care which your majesty has taken, for suppressing the present wicked and unnatural Rebellion, and for defending this kingdom against an invasion, is a fresh instance of your paternal goodness and concern for your people; the continuance of whose religious and civil rights is involved in the preservation of your majesty, and of the Protestant Succession in your royal House.

" We beg leave to congratulate your majesty on the success of your arms, in disappointing the attempt of the rebels upon this part of Great Britain: As your troops, led on and animated by the bravery and example of his Royal Highness the Duke, could not fail to strike terror into the rebels; so your majesty's gracious acknowledgment of the inviolable and active loyalty of your faithful subjects must be the most encouraging motive to them stedfastly to persevere in the same principles. We comply therefore with every call of interest, as well as of duty, when we give your majesty the warmest assurances of our most zealous and vigorous support, totally to extinguish this Rebellion in every part of the United Kingdom, and entirely to defeat the designs of the Pretender, and all those who shall presume to assist or abet him.

" It is with gratitude we acknowledge your majesty's great wisdom and regard for the public welfare, in exerting your powerful influence to promote the election of the emperor, and to bring about an accommodation between the empress, the king of Poland, and the king of Prussia: we look with much satisfaction on the completion of this great work; in consequence of which, an immediate succour may be sent to Italy, your majesty's faithful ally the king of Sardinia be timely supported, and a strength procured for the defence and security of the Low Countries.

" We are most sensibly affected with the imminent dangers to which the United Provinces are exposed. We consider their preservation and security as of the highest importance to the safety of these kingdoms, whose interests have been closely connected with those of that Protestant republic, ever since its first foundation. We therefore beg leave to assure your majesty, that we will vigorously support you, in taking proper measures for their defence, and in making good such necessary engagements as your majesty shall enter into, for co-operating with them, towards opposing the further progress of our enemies in the Netherlands, and procuring a proper security for the States General against the ambitious and destructive designs of France, and for attaining a safe and honourable peace.

" Your majesty's prudence and tender concern for your people appear in nothing more, than in the regard you express for the circumstances of your own dominions. We cannot doubt but this consideration will have its due weight with your allies; and that the States will make such an augmentation of their forces, and all such further efforts, as their own immediate danger and the present exigency of affairs require.

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"The advantages which Great Britain has received, and the losses and distress which her enemies have felt, from our naval strength, are visible to all the world: your majesty's resolution, therefore, to be particularly attentive to this important service, and to have a strong fleet at sea early in the spring, gives us the greatest satisfaction.

"Your majesty's gracious declaration, that you have fully opened to us your views and intentions, is an additional ground for that just confidence which we repose in you; and we do, in the most solemn manner, assure your majesty, that the menaces thrown out, and the preparations made by our enemies, have had no other effect upon our minds, but to increase our indignation against their destructive projects and attempts, and to augment and heighten our zeal and ardour in the cause of your majesty and our country."

The King's Answer.] To which his majesty gave this Answer:

"My Lords;

"I return you my thanks, for this dutiful and affectionate Address. The just sense you express of the situation of affairs, and of the proper conduct to be pursued, in order to extinguish the Rebellion, support our friends, and defeat the designs of our enemies, gives me great satisfaction. I rely on your vigorous support; and you may depend on my firmly adhering to such measures as shall be most for the honour of my crown, and the true interest of my kingdoms in our present circumstances."

The Commons' Address of Thanks.] The Address was as follows:

"Most Gracious Sovereign,

"We your majesty's most dutiful and loyal subjects the Commons of Great Britain, in parliament assembled, beg leave to return your majesty our sincere thanks, for your most gracious Speech from the throne.

"It is with the truest satisfaction that we congratulate your majesty on the success of your arms, under the command of his Royal Highness the Duke, in driving the rebels out of one part of the United Kingdom; not doubting, but by the zeal and loyalty of your faithful subjects, and the further progress of your troops, this unnatural Rebellion will be happily and speedily extinguished throughout the whole kingdom: and we assure your majesty, that we will persevere in supporting your majesty in all such measures as shall be thought necessary for so desirable an end; and though we trust in your majesty's wisdom, that the measures you have already pursued, will deter any foreign power from undertaking so rash an enterprise as the invasion of this island, yet we beg leave to assure your majesty, that whatever further strength shall be found necessary, you may depend on your faithful Commons for their cheerful and ready assistance to make good the same.

"Permit us to congratulate your majesty on the success of your endeavours in the choice of an emperor; and thereby procuring an additional strength to the House of Austria, and a further security to the liberties of Europe in general.

"We take this occasion to express our highest satisfaction on the peace concluded between the empress, the king of Poland, and the king of Prussia; whereby the interior tranquillity of the princes of the empire is restored, and the empress enabled more effectually to support herself and her allies in Italy, particularly the king of Sardinia, to whose assistance we will contribute, on our part, whatever shall be found necessary and expedient.

"And your majesty may depend on your faithful Commons, that as they are fully sensible, that the true interest of the States-General, and that of these kingdoms is the same, they will enable your majesty as far as our circumstances will permit, to give that succour to the United Provinces, which, with a proper and vigorous exertion of their own strength, may put a stop to the further progress of the arms of France in the Netherlands, procure them a sufficient security against their enemies, and obtain a safe and honourable peace.

"We beg leave to return your majesty our thanks for the particular care which your majesty has taken, and graciously promises to continue, of the naval strength of these kingdoms; from whence we have already received, and from which, under your majesty, we may justly hope for, the most important services.

"And we assure your majesty, that we will, in all our deliberations, have the greatest regard to public credit; the support of which is, at this time, so essentially necessary towards carrying into execution every measure that can conduce to the honour of your majesty, and the true interest and well-being of your people."

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The King's Answer.] To which his majesty gave this Answer:

"Gentlemen,

"I thank you for this dutiful and affectionate Address. The zeal you express and the assurances you give, of vigorously supporting me in suppressing the Rebellion and in assisting my allies, are very agreeable to me. You may be assured, that in all the measures I shall pursue for attaining these ends, I shall have a constant regard to the abilities of my people, as well as to the true interest and security of my kingdoms."*

The Lords' Address of Congratulation for Success against the Rebels.] April 29. The Lords presented the following Address to his majesty:

"Most Gracious Sovereign,

"We, your majesty's most dutiful and loyal subjects, the Lord's Spiritual and Temporal in Parliament assembled, beg leave, with hearts full of the most unfeigned joy, to congratulate your majesty on the happy success with which it has pleased Almighty God to bless your arms against the rebels.

"When we consider the value and ex-

* The king was indignant at the manner in which he had been compelled to dismiss lord Granville, and to admit into his service lord Chesterfield, sir John Hynde Cotton, and several other persons, who had been in constant opposition to his government. His indignation was still farther increased by a strong remonstrance, made by the lord chancellor, on his want of confidence in his servants, which he heard with silence and disgust. He accordingly treated the Pelhams with great coolness and reserve, even before his departure for the continent in the spring of 1745; and seemed to wait only for the first favourable opportunity of dismissing them from his counsels on his return. But this resolution was suspended on account of the Rebellion; and the king's resentment might gradually have subsided, had not the duke of Newcastle, in conformity with his promise to lord Cobham, proposed the appointment of Mr. Pitt to the office of secretary at war; and pressed it upon the king with repeated importunities.

At this period the friends of lord Granville asserted, that the king was a prisoner on his throne, and that an admininistration on a broader bottom was necessary for the safety of the kingdom, and the emancipation of the sovereign. The prosperous turn of affairs, the retreat of the rebels into Scotland, the zeal which the nation had displayed in support of his government, and the reproaches cast against the weakness and inability of the ministry, inspired the king with confidence, and his friends with courage.

Lord Granville inculcated the necessity of the most vigorous measures, and proposed to revive the spirit of the grand alliance which had animated the European states during the reigns of William and Anne, and reduced the power of France. England he wished to become the soul of the confederacy, and by means of large subsidies, to obtain the co-operation of the Austrian court, induce the Dutch to declare war against France, and concur in support of the common cause.

In conformity with this system, the Dutch minister in England transmitted a plan for an immediate augmentation of their respective forces, and for a more vigorous prosecution of the war in the Netherlands. The king approved this plan, and warmly urged the execution of it, in his Speech from the throne on the 14th of January. But the cabinet, affecting an aversion to involve the country in continental alliances, while the finances were embarrassed by the effects of the Rebellion, opposed this plan; lord Harrington even wrote to the Dutch minister in London, observing that the security of the Netherlands was a foreign though important consideration to England, but a domestic concern to the Dutch, and declined the proposed augmentation unless the Dutch should declare war against France.

This discordance of political views, on his favourite object, increased the dissatisfaction of the king; he lamented that, on the death of lord Wilmington, he had not placed lord Bath at the head of the treasury, instead of conferring on Mr. Pelham that office, with the chancellorship of the exchequer, which had given to his party the preponderance in the cabinet, and the sole power in the government. In this crisis the king complained to lord Bath, that he was under the dominion of an aristocracy, and was hemmed in on all sides; he conjured him to break the combination and set him at liberty, and offered him full powers to form a new administration. Lord Bath expressed his willingness to obey his majesty's commands, but candidly displayed the difficulty he had to encounter, and declared that success must ultimately depend on the king's steadiness and resolution. The king promised his support; and lord Bath concerted with his friend, lord Granville, the means of dividing the Whigs, conciliating the Tories, and gaining the cooperation of the prince of Wales. He then summoned a meeting of the monied men, and obtained from them a promise of furnishing the supplies on terms more advantageous to the nation than those they had already settled with Mr. Pelham.

These preliminary arrangements being made, the king flattered himself that he could secure part of the cabinet, particularly lord Harrington, whom he had endeavoured to conciliate in his journey to Hanover, both personally, and by means of his daughter the prin-

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tent of that happiness which this execrable Rebellion was formed to take from us; our holy religion, our laws and liberties, and, the great support of them all, your majesty's mild and gracious government and the Protestant Succession in your royal House; when, on the other hand, we consider the insupportable miseries designed, by the wicked authors of this detestable scheme, to be brought upon this nation; our thankfulness to heaven and the transports we feel in our breasts

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cess of Orange, who possessed great influence over him. He also expected to obtain the co-operation of Mr. Winnington, of whom he had a high opinion, by appointing him chancellor of the exchequer, with the management of the House of Commons.

In the beginning of February, the importunities of the Pelhams, in favour of Mr. Pitt, brought the affair to a crisis. On the 6th, lord Bath coming from the closet, observed to lord Harrington, that he had advised the king to negative Mr. Pitt's appointment, and to pursue proper measures on the continent. Lord Harrington coldly replied, "They who dictate in private, should be employed in public." On the 7th, the king perceiving his attempts to detach lord Harrington from his party ineffectual, gave way to his indignation, and reproached him with obstinacy and ingratitude. The whole phalanx, no longer doubting of his intention to dismiss them, held a meeting at the lord chancellor's, on the evening of the 8th, and determined on instant resignation.

On Monday the 10th, the duke of Newcastle and lord Harrington gave up the seals of their respective offices; and on the 11th, Mr. Pelham, to whom lord Granville had made overtures, also resigned, and told the king that he would avoid going into opposition as long as possible; but frankly added, that the united body of Whigs were averse to the earls of Bath and Granville. On the same day lord Gower gave up the privy seal, the duke of Bedford the place of first lord of the admiralty, and all the members of the boards of treasury and admiralty followed their example, excepting the adherents of the prince of Wales, lord Middlesex, and lord Archibald Hamilton.

In delivering the key of groom of the stole, the earl of Pembroke drew an unfavourable picture of the characters of Bath and Granville, and expatiated on their unpopularity. More resignations were hourly expected, particularly from lord chancellor Hardwicke, the dukes of Devonshire, Dorset, Grafton, and Richmond. Mr. Winnington also declared his intention of resigning his office of paymaster of the forces: and when the king offered him the chancellorship of the exchequer, he returned the seal three times into his majesty's hands, adding, "The new ministry, Sir, can neither support your majesty nor themselves; they cannot depend upon more than 31 lords and 80 commoners."

During this scene of confusion, the king in vain attempted to fill the places of his former servants. On the resignation of the duke of Newcastle and lord Harrington, his page of the back stairs, Evans, came to Bath-house privately, in a chair with the curtains drawn, with a message from the king, desiring lord Bath to repair to the palace. His lordship waited on the king, accepted the office of first lord of the treasury, and received the two seals of the secretaries of state, which he conveyed to lord Granville, who was indisposed. Granville was immediately constituted secretary of state, and announced his appointment in a circular dispatch to the foreign ministers. Lord Winchelsea was destined for the admiralty, and lord Carlisle for the office of lord privy seal.

But the new arrangements were suddenly suspended. The king, surprised and intimidated at the numerous resignations, and the unexpected firmness of the old cabinet, faultered in his resolution, though lord Bath exhorted him to persevere, and offered, through the medium of the prince of Wales, to secure the Tories. He would not venture, however, to provoke the Whigs, who had supported his family on the throne while the rebellion was uncrushed; he was averse to a Tory administration, and still more unwilling to owe the formation of his ministry to the intervention of his son. Perplexed and embarrassed, he shut himself up in his closet, and refused to admit those persons who were pouring in upon him with white staves, gold keys, and commissions. On the 12th he sent for Mr. Winnington, told him that he was the honestest man about his person, and should have the honour of the reconciliation; and commanded him to inform Mr. Pelham that he would accept no more resignations, and was desirous that his old servants should be reinstated in their employments.

Thus terminated a ministry of forty hours. Lord Granville, the only person who had kissed hands, resigned his office; the seals were redelivered on the 14th to the duke of Newcastle and the earl of Harrington, the old cabinet resumed their employments, Mr. Pitt was constituted vice-treasurer of Ireland, and, on the death of Mr. Winnington, became paymaster of the forces.

Although the king thus wisely yielded to the torrent, yet with that elevation of character which disdained dissimulation, he did not affect to conceal his displeasure; he dismissed lord Bath with marks of favour and confidence, desired him to write an account of the whole transaction, and even declared it was a shame that a man (alluding to the duke of Newcastle) who was not fit for a chamberlain to a petty court in Germany, should be forced on him and the nation. But he carried his resentment against lord Harrington to a still higher degree.

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on this occasion, are raised beyond the power of words to express.

"The just and wise use which your majesty has made of those necessary measures, which were taken, to strengthen your hands in this conjuncture, for the defence of your majesty's crown, and the protection of your people, demands all the returns of gratitude, zeal and affection, which the most faithful subjects can pay to the best of kings: and the unprovoked treason and perfidy with which this Rebellion has been begun and obstinately carried on, as well as the many calamities this nation has suffered from it, call for exemplary justice against those disturbers of our peace.

"It is with the greatest pleasure and admiration we behold in how eminent a manner this signal victory has been owing to the valour and conduct of his Royal Highness the Duke: if any thing can add to our joy on such an event, it is to see a prince of your majesty's blood, formed by your example and imitating your virtues, the glorious instrument of it; and happy should we be in any opportunity of testifying the high sense we have of such illustrious merit.

"The bravery, fidelity, and firmness, by which the officers and soldiers of your majesty's army have distinguished themselves, on this occasion, give us the utmost satisfaction; and will, we doubt not, convince your enemies, how much they have to fear from such troops, led on by such a commander.

"May the Divine Providence continue to preserve your majesty's precious life, and to prosper your councils and arms with success: and permit us, in the most solemn manner, to renew the strongest assurances to your majesty, of our most zealous and vigorous support and assistance, entirely to extinguish this Rebellion, absolutely to crush this last desperate effort of a Popish abjured Pretender, and to improve the consequences of it, to add stability to your throne."

The King's Answer.] To which his majesty replied:

"My Lords,

"The success of my arms against the rebels is the more agreeable to me, as it gives such universal satisfaction to all my loving subjects: your joy on this occasion is a fresh mark of your zeal and affection for me and my family; and the approbation you express of the services of my son the Duke gives me great pleasure. You may depend on my utmost care to improve this success, to re-establish the tranquillity and security of my kingdoms."

The Commons' Address of Congratulation for Success against the Rebels.] April 30. The Commons presented the following Address to his majesty;

"Most Gracious Sovereign.

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, beg leave to congratulate your majesty on the great and important success, with which it has pleased Almighty God to bless your majesty's arms, under the command of his Royal Highness the Duke against the rebels.

"It is with hearts full of duty and gratitude we acknowledge your majesty's wisdom and paternal attention to the interest and welfare of your people, so strongly expressed by your majesty, in the choice of that general, whose birth and tried abilities marked him out to defend the liberties and constitution of Great Britain, and so sensibly felt by your people, in the happy consequences of that choice.

"And as we think the defeat given to the rebels an event, which must immediately produce the most desirable effects upon the whole state of our affairs at home and abroad; so we doubt not, but, in its remoter consequences, it will tend to the future peace and tranquillity of your majesty's reign, to the firm establishment of your majesty and your royal posterity, upon the throne of these kingdoms, and to the effectual security of the religion, laws and liberties of Great Britain.

"Thus, by a fate, not uncommon to the devices of rebels and traitors, those

In November his majesty ungraciously dismissed him from the office of secretary of state, and was not without great difficulty, persuaded to appoint him lord lieutenant of Ireland.

The friends of the prince of Wales continued in office; and a few changes in the subordinate departments of government took place, which added still greater weight to the cabinet. Mr. Fox succeeded to the office of secretary at war, in the room of sir William Yonge, who, on the promotion of Mr. Pitt, became vice-treasurer of Ireland. Lord Barrington was placed at the board of admiralty, and Mr. Welbore Ellis at that of the treasury.—Coxe's Memoirs of Horatio Lord Walpole.

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wicked attempts which have been levelled against the Protestant Succession, and the happy constitution of this country, will, under the blessing of Providence, prove, in the result, the most effectual means of confirming both.

"We beg leave to assure your majesty, that your faithful Commons, truly sensible of the great benefits this nation has received from the eminent courage and conduct of his Royal Highness the Duke, upon this occasion, are desirous, and will be ready to give his Royal Highness such distinguishing marks of public gratitude, as shall be most agreeable to your majesty, and are justly due to his superior merit."

The King's Answer.] To which his majesty made the following Answer:

"Gentlemen,

"I return you my hearty thanks for this Address, so full of affection to me and my family. The satisfaction I feel, at the success of my arms against the rebels, is greatly increased by your kind expressions towards my son the Duke, and your approbation of his services on this occasion.—I will not fail to improve this advantage to the utmost of my power, towards establishing, upon a lasting foundation, the future security and happiness of my people."

*Debate in the Lords on a Motion for an Address against carrying on the War in Flanders.**] May 2. The order of the day being read for taking into consideration the several Papers presented to this House the 28th of April last, pursuant to their lordships' Address to his majesty of the 22nd of the same month; the said papers were also read. Then the earl of Oxford moved to resolve, "That an humble Address be presented to his majesty most humbly to represent to his majesty, as the opinion and advice of this House, that carrying on the war in Flanders, at so vast a disproportion of expence to this nation, by forming an army on the continent, paid by this nation, while the States of the United Provinces, notwithstanding the unaccountable loss of the greatest part of their barrier, and notwithstanding the very great efforts which this nation has made, have not only avoided declaring war against France, pursuant to treaties, but are actually negociating for themselves at the court of France, is a measure tending more to exhaust a nation long and grievously burthened with debts and taxes, and to destroy the public credit, than to weaken the power of the common enemy; which can best be effected by this nation, where itself is weakened least, by a vigorous exertion of our naval strength, and by enabling (as far as the circumstances of the nation will permit) those powers upon the continent, who are more nearly interested in its defence, to imitate the magnanimous

* Notes *of Debate on the Foreign Measures, May* 2, 1746. *From the original in the hand writing of Lord Chancellor* Hardwicke.

Earl of *Oxford*. Called for the papers in a public, national view only.—Since the motion, a great and fortunate event has happened by the suppression of the Rebellion in the north.—Hopes it will be improved to the stability of his majesty's throne, and ease of his kingdoms.—Hopes you will begin it to day, by delivering you from being plunged into a foreign war before you have probed those wounds.—As to Hanoverians, if you are to hire troops, of little consequence, whether they come from Upper or Lower Saxony.—You are taking upon you to carry on a war in Flanders without the Dutch.—They tell you they can't.—Commends lord Harrington's letter. Takes it as the letter of the ministry.—What has happened to alter the situation for the worse. Commends the king of Sardinia's conduct—distinguishes it from the Dutch.—Laments the exhausted state of the nation.—60 millions navy debt besides 4 millions, 64.—Near one fourth of what this nation might be sold for.—This nation is upon the brink of ruin.

Duke of *Beaufort*. We have undertaken a support of interests inconsistent with the interests of Great Britain.—No ground to expect to reduce the exorbitant power of France.—Waste the last drop of our blood, and exhaust the last penny of our estates in romantic schemes.

Earl of *Halifax*. This will hinder them from carrying on their two favourite schemes at once—Flanders and Italy.—As to Hanoverian troops, 1. Taken without the advice of parliament. 2. The bargain dear. 3. The jealousies and discontents. 4. Unpopularity of the measure, least should be continued upon us even after a peace.

Lord *Talbot*. Does not desire an infamous peace.

Earl of *Sandwich*.

Earl of *Westmoreland*. No one thing

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conduct of his majesty's good ally the king of Sardinia, in carrying on the war as principals, in defence of their own nearest concerns, and to maintain the liberty and independence of Europe, against the ambitious views and attempts of France."

Which being objected to; and long debate thereupon: the question was put upon the said motion, and it was resolved in the negative. Contents 26; Non Contents 81.

Protest against rejecting the said Address.] The following Protest was entered on the Journals:

"Dissentient,

1. "Because it appears to us to be a measure repugnant to the real and fundamental interests of this island to engage Great Britain as a principal: and, in effect, as the only principal in a land war in the Netherlands; the consequences of which are not only the increase of taxes, and of debts at home, but such immense exportations of specie abroad, as this country cannot long, without ruin, sustain.

2. "Because we have experienced, and feel the mischiefs arising to this nation from the undue influence of foreign interests upon the continent, whereby we have been unnecessarily embroiled in endless jealousies and contests, and engaged in impracticable treaties, and fruitless subsidies, until after intervals (hardly to be distinguished) of peace without economy, and war without effect, scarce any trace remains of all the efforts which this nation has made upon the continent, except that of a debt of more than sixty millions, exhausting the landed, distressing the trading interest, creating new powers, an influence dangerous to the constitution, sapping the credit, and preying upon the very vitals of our country.

3. "Because the means for carrying on the war have appeared, and still appear to us, not only burthensome and grievous to the nation, but insufficient to the national end (which, in our opinion, ought to be the re-establishment of peace); and the conduct of the war throughout the several changes of administration at home, seems to us to have been unaccountable from the unavailing victory of Dettingen, to the slaughter of our countrymen at Fontenoy.

4. "Because we have still less reason for concurring in this measure, when we reflect upon the conduct of our allies, Italy having been well nigh lost, by the inattention of the court of Vienna, and the barrier in the Netherlands having been unaccountably given up by a conduct of the Dutch, for which we want a name, as we want reasons for the ineffectual and contemptuous succour which they sent in our domestic distress; and part of which (even such as it was) they withdrew, when the danger appeared greatest.

5. "Because after those ministers, who first engaged us in this measure, had declared the concurrence of the Dutch essential to its success; and after a new-formed administration had so explicitly declared that concurrence to be the necessary condition of continuing that measure; after not only the conduct, but the very words of the Dutch (as contained in the memorial which has been laid before us) manifest their disability, or their disinclination to any cordial or effectual concurrence; and after it is become notorious, that at this very time they are treating for themselves at the court of France (if we may not rather infer from their conduct, that they have already secured to themselves that protection which their ancestors disdained)—after all these considerations, we hold it inexcusable to concur in charging our poor and exhausted country with new and immense expences, which not only common sense, but experience, has pointed out to be, in this conjuncture, ineffectual—a conjuncture in which even they who advise his majesty, did not flatter us with much hope of success.

6. "Because the prodigious expences which this nation sustains, in support of this measure, for the hire of foreign mercenaries, bears no proportion between us and our allies, either with regard to their and our interests, to stipulations observed in former wars, or to our present abilities, and must inevitably be, as we apprehend, a growing expence, if the present measures are pursued.

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that I see with so much dread as the overgrown power of France.—Precise point of difficulty—would assist those who are willing to help themselves.—The wise and manly part of the king of Sardinia.

Duke of *Newcastle*. Reason to hinder the States General concluding for themselves.

Lord *Lonsdale*. 400,000*l*. for 16,000 men for the queen of Hungary.—The Treaty of 1667–8 for 10,000 men. By the conduct of the Dutch they have preserved their treaties with you.—If France conquers or negociates with Holland, other powers will be alarmed.

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7. "Because we have seen part of the British forces left useless abroad, at a time when an additional military strength was thought wanting for our domestic defence; and that want supplied by foreign mercenaries, which alarms us greatly, from the reflections we cannot avoid making on the fatal consequences which may be produced to this country, if a prerogative shall be ever established for bringing over into this country foreign mercenaries in British pay, even during the sitting of parliament, and without previously consulting that parliament in a matter so new, and so essential to the honour and to the safety of the nation. This alarms us the more, when we see the troops of Hanover, which had been effectually secreted from the last year's estimates (though paid by this nation then), now taken avowedly again into British pay; for which second variation we are not able to assign any national motive. Our alarm, therefore, must increase, since that patriot zeal seems alarmed no longer, which adopted at least the constitutional jealousy, and which had given at least the sanction of ministerial and parliamentary acquiescence to the popular discontent occasioned before by the troops of Hanover: we therefore consider it as our bounden duty to our country, and to his majesty's royal family, to warn posterity to watch the exertion of so dangerous a prerogative, by which, upon the same reasoning and pretence that a small number of Hanoverians may be introduced into this country, any greater number may; and if that shall ever be the case, the rights and liberties of this country may be left at mercy, or the Protestant succession in his majesty's royal House be at least endangered by the discontents which such a measure might produce in the hearts of the people.

8. "Because we are discouraged still more from engaging in the further burthens and hazards of this consuming measure, by the sad view of the situation of affairs at home. The peace of the kingdom is not yet entirely restored; the whole expence already incurred by the Rebellion is not yet ascertained; the further expence which may be incurred cannot be yet foreseen; the pressing demands of the navy-debt weaken us most where we should endeavour to be strongest: and since to these we may add the stagnation of commerce, the decay of our inland trade, the vast increase of our military establishment at home, made up of hands wanted by the manufacturer and the farmer; the decrease of national wealth, the difficulty and enhanced expence of raising supplies: when adding debts to debts, we have parted, in effect, with the very power of redemption, by mortgaging the sinking fund; the fluctuation and delicacy of the public credit: the combination of all these circumstances presents to our minds a dark and dangerous situation (such a one as we would not have thus pointed out, if it remained a secret to any one within, or without this island); a situation which, we apprehend, ought to fix our attention, in the first place, at home, and to warn us not to precipitate the too nearly impending ruin of our country. We should rather hope for a proper exertion of our own British naval strength, and by assisting the powers more nearly concerned upon the continent, with unsparing, but not with lavish hands, to withstand the ambitious designs of France; that we might regain to this nation from foreign powers that respect grounded upon our prudence, and upon our strength rightly applied, which alone ought to be made the foundation, and can alone be the support of peace. At least that we might find some leisure from our cares for others, to effect, if possible, our own domestic welfare, instead of promoting (as we apprehend the present measures tend to promote) national calamity, bankruptcy, and military government.

9. "Because our duty to God, and to our country, excites us, in such a situation, more particularly to exert ourselves in discharge of that office, for which we stand accountable to both, being established by the constitution guardians of the people, and counsellors to the crown, constituted to watch, to check, to avert, to retrieve, to support, or to withstand whereever our duty suggests; in which no desire of opposition, no personal dislike, no little motive of resentment, or of ambition, no selfish, or no partial consideration has animated, can relax, or shall disgrace our conduct: affected deeply, but not depressed with the impending ruin of our country, we are determined not to be remiss in our endeavours to retrieve its welfare, which can only be effected by the re-establishment of peace, and of order, by wise œconomy, and temperate reformation, by regaining confidence and authority to government, and reviving in the nation a truly British and moral spirit. With all who will concur in such a conduct we will unite

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with affection. All other connections and views we disclaim and abhor.—*(Signed)* Beaufort, Suffolk and Berkshire, Northampton, Westmoreland, Ferrers, Oxford and Mortimer, Abingdon, Aylesford, Hereford, Foley, Mountjoy, Craven, Shaftesbury, Litchfield, Stanhope, St. John de Bletsoe, Ward, Maynard, Boyle, Talbot."

*Debate in the Lords on an Address against sending any British Troops beyond sea.**] June 12. Lord Lonsdale moved, "That an humble Address be presented to his majesty, to represent to his majesty, that, at this time of extreme danger, when his majesty's efforts for the common cause of Europe, though exerted to the utmost that his people are able to bear, have proved unsuccessful, and when the immediate defence of this kingdom is become a most serious and most important consideration; it is the humble opinion and advice of this House, and this House doth beseech his majesty, that he will be graciously pleased to defer sending any of his British troops beyond the seas, till such

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* Notes *of Debate on Lord Lonsdale's Motion June* 12, 1746. *From the original in the hand-writing of Lord Chancellor* Hardwicke.

Lord *Lonsdale.* A diminution of the strength of this kingdom 25,000 men. What will be left I cannot say; nor has it appeared upon the solemn enquiry of the House of Commons.—In England have heard of no more than two regiments of foot besides the guards. In Scotland the battalions very weak.—As to sending seven regiments to Flanders: the troops there now do not amount to above 40,000 men, instead of 100,000 men talked of.—The French 120,000 men.—These troops, Hessians and Hanoverians added, will make 60,000—60,000 men weaker.—No dependance on a body of Dutch. Suffers Antwerp to be taken; does not raise a man.—As ministers do not proceed to make war, tis plain they intend to make peace.—The reasons given for their disability not serious—sending seven regiments will not induce or enable them to continue the war.—If the Dutch compelled to accept a peace, it must be such as France will give them. The States not masters of it.—Great risque to the troops and to the nation.—As to the troops going under lieutenant general St. Clair—must be some long voyage—natural to suppose America—it must then be for conquest and acquisition—that to Quebec of much greater force than this. The navigation of the river excessively dangerous and difficult—suppose you should succeed in all that six regiments can do—you must either give up by a peace, or carry on the war till France will consent to England's keeping of them.—Those hopes surely not a sufficient reason to disarm this kingdom.—France has already conquered all Flanders.—It may be objected, she is then mistress of Holland. Holland will then make peace. Germany has made her neutrality with France. The war cannot then be there. It can then only be in Italy and against England. —Italy—the king of Sardinia will not then stand out. Then you must carry on the war alone against France and Spain. Then no appearance of any strength but your own: Other help not to be had. This not remote but immediate. Holland must determine immediately either for peace or war. Nothing left but to carry on the war by sea. France has been long fitting out a fleet to sea. Now ready—in a situation that they may be joined by the Spaniards. They have with them a great number of transports, as said. The fate of England may then come soon to be determined. After they have made their peace with Holland, may pour out what number of troops they please—may wait for that event—then you have sent your land forces, and a great part of your fleet out of your reach. Motion.

Duke of *Newcastle.* My lord's objections of two sorts: 1. The danger and defenceless condition of this country. 2. The inutility of sending troops abroad in support of foreign measures.—The Rebellion as effectually suppressed as military force can do it. The legislature must do the rest. 'Tis a doubt, I admit still, whether the Pretender's son is gone away. The Duke conaiders it as a total dispersion.

As to your strength at home:

1. Naval—

Admiral Martin had with him, of the largest ships of the line ...	16
Not of the line	6
2 new of the line sent	2
Six more ordered and will sail in a very few days	6
	30

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time as the safety, peace and tranquillity of this kingdom shall be more effectually secured*."

A considerable number of smaller ships cruizing for the defence of the coasts.

2. Land force.—England, 17,562 men. Of these a considerable number of horse. Scotland, 19 regiments of foot, 5 regiments of dragoons. Second point. The utility of sending them abroad. 1. As to the seven battalions to be sent to Flanders. The most probable method to prevent the great mischief my lord apprehends, England's being left alone. These, with the Hessians, make 10,000 men. The last account of Bathian's army is 40,000 men. The 10,000 Hanoverians are arrived. These with the Hessians 10,000, that makes 60,000 men. The 20,000 Austrians arrived at Cologne on the 9th June, O. S.—Suppose deficient 5,000. That 75,000 may be augmented 5,000 out of the near garrisons.—80,000 men. The moment Bathian's army 80,000 men, the Dutch are protected from danger. This may make them stand out to get better terms of peace.—not to close upon the worst. It will create a dependance in them, that when the king can spare more, he will spare more.—My lord himself suggested the difficulty of obtaining such a peace as an independant nation can directly accept. It may further give an opportunity to improve the great turn in Italy.—2. As to the troops which are sending to North America. *Obj.* That it can go only to make conquests.—It may be necessary to defend and keep Cape Breton.—If the French should, for want of support, be taken, it will be objected that was suffered to be wrested from you by connivance, which no man dare give up publicly.—If this Brest squadron should be going to America, this embarkation will certainly be necessary in that light.

Lord *Lonsdale*. Did not think the Austrian troops so near as the duke mentions.

* Mr. Pelham to Horace Walpole, *June* 12, 1746.

"There was a debate in the House of Lords this day, upon a motion of lord Lonsdale, who would have addressed the king, to defer the sending abroad any troops till it was more clear that we are in no danger at home, which he would by no means allow to be the case at present. The duke of Newcastle spoke well for one that was determined to carry on the war; Granville was present, but said nothing, flattered the duke of Newcastle when the debate was over, and gave a strong negative to lord Lonsdale's motion."

Which being objected to; the question was put, upon the said motion, and it was resolved in the negative.

Debate in the Lords on a Motion for a Bill to remedy the Inconveniences of Heritable Jurisdictions in Scotland.] Aug. 5. On the motion of the Lord Chancellor

* Hardwicke Papers. *Extract of a Letter from Dr. Birch to the Hon. Philip Yorke, London, Aug. 9, 1746.*

"The hint which you gave me on Monday, sent me to the House of Lords the next day. My Lord Chancellor, after the passing the Clauses about qualifying Schoolmasters, Tutors, and Chaplains in Scotland, in a speech of near an hour long, opened his sentiments with regard to the Regalities and Heritable Jurisdictions in that kingdom. He began with declaring, that he should avoid, as he had done in all other places and upon all other occasions, every thing personal or national; but that he could not help thinking from the two formidable Rebellions, which have broke out there within about thirty years past, that the cause must arise from some peculiar defect in the constitution and government of that kingdom. That an Union had been indeed attempted in the beginning of the reign of our James 1, who took for his motto on some of his coins "Faciam eos in Gentem unam;" but that this Union was only a nominal one, there still subsisting a total difference of counsels, administrations and parliaments, attended with the highest inconveniences to both nations. That a more substantial and even an incorporating Union was formed in the year 1706 and 1707; but that he observed from the papers of some of the great men concerned in that glorious task, that what was then done, was not all that they intended or thought necessary. That it were to be wished, that the two nations could be reduced under one system of laws, as Wales was under that of England; but that this must be a work of long deliberation; and therefore for the present he would only offer what the public safety more immediately required. He then explained very clearly and fully the Scots Superiorities, which are of the same or a higher nature than our old Tenures, and their Regalities and Heritable Jurisdictions. The first of these he shewed to be very oppressive of the people in general, and consequently very necessary to be redeemed by the public, for the

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Hardwicke it was ordered, "1. That the Lords of the Session in Scotland do prepare the draught of a Bill, for remedying the Inconveniencies arising from the several kinds of Heretable Jurisdictions, in that part of Great Britain called Scotland; and for making more effectual provision for the regular administration of justice throughout that part of the United Kingdom, by the king's courts and judges there; and do cause such draught of a Bill to be laid before this House at the beginning of the next session of parliament. 2. That the Lords of Session in Scotland, do enquire and consider what Regalities and heretable sheriffships are subsisting within that part of Great Britain called Scotland; what persons are now in possession thereof; and which of such Regalities were granted before the act of the 11th parliament of king James the 2nd, of Scotland, entitled, "That all Regalities being in the king's hands be annexed to the royalty," and which of them since; and as to such as have been granted since, which of them were granted with deliverance in parliament, and which without; and that they do certify the same to this House, at the beginning of the next session of parliament. 3. That the Lord Chancellor do transmit the said orders to the Lord President of the Session in Scotland, to be by him communicated to the Lords of Session there."

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establishment of freedom and encouragement of industry; to which end he had a Bill lying by him, drawn up with the assistance of some learned and able men; but he had not thought proper to introduce it into parliament this session, lest it should be imagined that this was all that was intended to be done, since the much more important article was the extinction of the Regalities and Heritable Jurisdictions, by means of which a great part of Scotland was absolutely exempt from the authority of the crown; the inconveniences of which had been long ago so severely felt there, that an act was made under James 2, in the year 1455, to prevent the granting away any Regalities without deliverance, that is consent of parliament. His lordship then proposed, in order that this important affair might necessarily be taken up in the beginning of the next session, that the Lords of the Session in Scotland should be directed by the House to enquire into and make a Report of the number and quality of these Regalities and Heritable Jurisdictions, in whose hands they are; when granted, and which of them since the above-mentioned act of James 2; and to prepare the draft of a Bill for the removal of those Regalities, &c. and the better administration of justice throughout the kingdom, in his majesty's name, and by his majesty's judges.

"Lord Granville highly applauded my Lord Chancellor's proposal, as what he had long wished to see executed, and given his opinion for thirty years ago to the great men of that time, as the only means of preventing any future Rebellion, and improving the wealth of Scotland. But he objected to the motion for referring the enquiry to the Lords of the Session, since that might occasion a great loss of time, and at last prove ineffectual. His chief difficulty was, that their court did not meet till November.

"But my Lord Chancellor replied, that this Order was not addressed to them as a court, but as individuals who were expected immediately to apply themselves to the enquiry. However his lordship observed, that as the main point, which he had in view, was to procure the draught of the Bill, he should submit the other part of his motion with relation to the Report of the Regalities, &c. to their lordships, though he thought even that necessary, in order to make a compensation to those who were in possession of them.

"Lord Cholmondeley and the duke of Newcastle then spoke about the manner of digesting the motion; and lord Stair moved for postponing it till the next day, that they might better inform themselves with relation to the power of the Lords of the Session for making such an Enquiry—which lord Granville had seemed to question. Lord Stair professed great zeal for the substance of the motion; but wished one more defect of the Union was removed, which was what he called the proscription of the nobility of Scotland, by which they were debarred any access to the highest honours of the kingdom.

"The question for ordering the Lords of Session to send up the draught of a Bill was first put, and then that for the Report of the Regalities; and both were carried without any division; but without the least support from the duke of Argyle, who sat by in a corner silent, and complained of the head-ach."

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Mr. Speaker Onslow's Speech to the King on presenting the Money Bills.] August 12. On delivering the Bills ready for the royal assent,

Mr. Speaker *Onslow* addressed his majesty as follows:

"Most Gracious Sovereign,

"We, your majesty's most dutiful and loyal Commons, do, in obedience to your commands, attend your majesty, to know your royal will and pleasure; and we take this opportunity humbly to assure your majesty, that your Commons, in compliance with the trust reposed in them, have, with all alacrity and unanimity, granted to your majesty such sufficient supplies for this year, as will enable your majesty to carry on the war against all your enemies, and to defray the other services. And your Commons having a true concern for the good of themselves and their posterity, and for the whole nation in general, and likewise for the defence of your majesty's sacred person, and securing the crown of these realms in the person of your majesty, and royal progeny, as by law established, by which our religion, liberty, property, and all that is dear to us, are preserved and protected, we cannot but utterly detest and abhor the invading of them by those who have taken part in the late traitorous, wicked, and unnatural Rebellion, in favour of a Popish and abjured Pretender to your majesty's crown; encouraged and assisted by your majesty's foreign and declared enemies, who would at once destroy these valuable privileges, and introduce Popery and arbitrary power, and subject us to a foreign yoke, and make this kingdom a scene of blood and confusion; and indeed it must be owned, that the taking up arms against the mildest government in the world, was not only a wicked, but a most foolish and desperate attempt, and abominated by every good man in the kingdom, and was a scandal thereto, and a disgrace to government: and if these disaffected persons and disturbers of the public peace of this kingdom had succeeded in their attempt, yet they would not have been so happy, nor enjoyed these valuable privileges that we do now enjoy. How this Rebellion was contrived, formed and carried on, and how it may be prevented for the future, may perhaps deserve after consideration; but it is certain that a great part of the Highlands of Scotland want to be reformed, and that many of the clans, or tribes there, are, in a manner, entirely subject to the command, and at the disposal of their chief or lord; and that too many of them are apt to rebel, and addicted to rapine: but however these things may be, we are assured that all your majesty's loyal subjects have reason to rejoice, and be thankful, that this wicked and unnatural Rebellion was, by the blessing of God, entirely discomfited by the wise conduct and magnanimity of his royal highness the duke of Cumberland, whose conduct was superior not only to those of his own, but to others of more years and experience. From this glorious victory, your majesty's enemies may be convinced how much they have to fear from the bravery, fidelity, and firmness of your majesty's forces, when led on by so great a commander; and they may likewise learn from it, that breach of faith, disloyalty, and taking up arms against their own country, seldom go unpunished even in this life; and that it will be in vain, for the future, to attempt the subverting of so excellent a constitution, when they have found by experience, that their greatest efforts towards it have only served to establish and strengthen it the more; as is evident from the many associations entered into for that purpose, by most of your majesty's loyal subjects throughout your dominions, who have generously, of their own accord, greatly contributed towards it; and others of them, who have voluntarily ventured their own lives and fortunes on the same account; and several of the first rank and distinction have, out of a laudable and active zeal thereto, greatly added to your majesty's strength, by freely raising whole regiments at their own expence.

"And it is to be hoped, and wished for, that this complete victory may be a means of opening the eyes of deluded and disaffected subjects, and of reforming and reconciling them to our excellent constitution: especially of those in the north parts of your majesty's dominions, who are so much kept in the dark, and under subjection to their chiefs, by their vassalages, either by tenure, or influence of jurisdiction, under the colour of the law of that nation; and that these vassalages, or slavery, may be taken off, and converted into a proper submission to your majesty's mild laws of tenures, and government in this nation: and that these vassals may have an equal advantage and protection of your majesty's laws, as we have here in England: and that as the two kingdoms are united in one, so it would be desi-

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rable that the laws and policy of government of these two kingdoms should be also united in one, especially the fundamental points relating to the further protecting and securing to your majesty and your royal offspring the crown of these realms, and also the Protestant religion, liberty, and property, which in effect are made void by these vassalages. These alterations would tend to the peace and strength of your majesty's dominions.

"Pardon, great Sir, if I presume to detain your majesty a little longer, in order to express the great duty, zeal, and affection, which your faithful Commons have already shewn, in protecting your majesty's sacred person, family, and government in this unnatural and wicked Rebellion, by subscribing their money voluntarily for that purpose; and which was not done in obedience to any commands of power, but of their own accord, in order to suppress and utterly extirpate that Rebellion and to preserve our excellent constitution in church and state, against a Popish and abjured Pretender, encouraged and assisted by your majesty's foreign and declared enemies; because we are fully persuaded that a Popish prince must become a tyrant in a Protestant country: this was plainly shewn in that government before the Revolution; and we think ourselves happy in the Revolution principles and constitution; and which principles, constitution, and government we are resolved to support, maintain, and defend to the last, with your majesty's and your royal offspring's right to the crown of these realms. Your Commons are not insensible of the disadvantages that these nations at present labour under, and which are necessary to be redressed, for the nation's lasting security, and preventing the like calamities for the future: but we have taken care to lay a foundation for proceeding on them in the next session: and what these things will be, a short time will soon determine. But let the issue be what it will, your faithful Commons have this satisfaction, that they have done their part, to enable your majesty, either to carry on the war, or to procure peace. And your Commons have closed the whole service of the year, with the following Bills, to which your Commons desire your majesty's royal assent."

The King's Speech at the Close of the Session.] Aug. 12. His majesty having given the royal assent to sundry Bills, put an end to the session with the following Speech to both Houses:

"My Lords and Gentlemen;

"I cannot put an end to this session of parliament, without expressing to you my entire satisfaction in your proceedings. The zeal and vigour which you have so unanimously shewn for the support of my government, for suppressing the late Rebellion, and for bringing the guilty to justice,* in which you have been so univer-

* "The earls of Kilmarnock and Cromartie, with lord Balmerino, had been sent prisoners to London, and lodged in the Tower. Bills of indictment of high treason being found against them by the grand jury of the county of Surrey, a writ of Certiorari was issued for removing the indictments into the House of Peers, June 26, and their trial was appointed to be the 28th of July following. The Lord Chancellor being appointed Lord High Steward on that occasion, the trial was very solemn and august. The two earls pleaded guilty; but the lord Balmerino made an objection upon his being stiled in the indictment, Arthur lord Balmerino, late of the city of Carlisle, and to his being charged with his being present at the taking of Carlisle, whereas, at that time, he was not within twelve miles of it. Upon this the prosecutors for the crown went into their evidence, and proved, that he commanded a troop of horse under Charles, and that he was seen entering Carlisle several times at their head. It likewise appeared, that he attended the rebels, as captain of the same troop, in all their marches through England, and that he was at the battle of Falkirk, and marched northward with them. Upon this evidence the opinion of the judges was taken, which was, "We are of opinion, that it is not necessary to prove the overt-act to be committed on the particular day laid in the indictment: but as evidence may be given of an overt-act before the day, so it may be after the day specified in the indictment: for the day laid is circumstance and form only, and not material in point of proof; and this is the known constant course of proceedings in trials." Upon this opinion being delivered, his lordship, in a very handsome manner, acquiesced, and the peers who were present, to the number of 135, found him unanimously guilty of the indictment. At passing sentence, the two earls, who had pleaded guilty, made most affecting speeches, that of Cromartie being looked upon as a finished piece of eloquence; acknowledging their guilt, and imploring the intercession of their peers with his majesty for mercy. Lord Balmerino offered a faint plea in arrest of judgment, upon which he was assigned council: but being informed it was frivolous, he withdrew the same, and begged their lordships' intercession with his majesty for mercy: and sentence of death was pronounced upon all there by the Lord High Steward." Tindal.

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sally seconded by my good subjects, have not only fully answered my expectations, but give me the best assurance, that you are determined to perfect this good work, by settling our tranquillity at home upon solid foundations, and extinguishing the hopes of the Pretender and all his adherents.

"The powers, which you thought fit to repose in me on this occasion, have been employed in the most proper and effectual manner; and made strictly subservient to those purposes only, for which you intended them: and it has pleased the Divine Providence, in a most signal manner, to bless the measures we have taken with success. I am very sensible there are matters of great moment still behind, which are necessary for our lasting security, and preventing the calamities for the future; but as a foundation is prudently laid for your proceeding upon them in the next session, I was unwilling to detain you longer out of your respective countries, at this advanced season of the year.

"I have the satisfaction to acquaint you, that the posture of affairs abroad appears more favourable than when I last spoke to you. As soon as the safety of my own kingdoms would permit, I sent such a body of troops, as could be spared from hence, to strengthen the allied army in the Netherlands, for the defence of the United Provinces, and opposing the further progress of France on that side. By means of this succour, and the other powerful assistances, which you have enabled me to furnish, that army has been very considerably augmented, and is become much stronger, than was expected at the beginning of the year. This event, together with the happy successes of the Austrian and Sardinian armies in Italy, and some other incidents, which have happened to the advantage of the common cause, give us a better prospect of bringing our enemies to reason, and procuring a safe and honourable peace, which is my great end and aim.

"Gentlemen of the House of Commons;

"The great readiness, and cheerfulness, with which you have granted me the supplies for the current year, require my particular thanks. I am very sensible of the extraordinary difficulties, which the circumstances of the times brought upon this important service, and upon the public credit in general; and which nothing but your prudence and firmness could have overcome. What you have given shall be strictly applied to the purposes you intended; and you cannot but have observed my desire to lessen the public expence, as far as possible, by taking the first opportunity to disband those regiments, which the laudable and active zeal of several of my faithful subjects, of the first rank and distinction, had added to our strength on this occasion.

"My Lords and Gentlemen,

"I have had such ample experience of your unshaken fidelity, and of your affection and attachment to me and my family, that I rely, with the utmost confidence, on your future conduct. I cannot doubt, that, during this recess, you will, in your several stations, use your utmost endeavours to restore, and preserve the peace of the kingdom; to heal the wounds, which this unnatural rebellion may have made; and to encourage, and cultivate in my subjects, that spirit of loyalty, and of zeal for the present establishment, which has so remarkably appeared. The impressions of it shall ever remain upon my mind, and be demonstrated by the continuance of my vigilance, and endeavours, to make them a happy people."

The Lord Chancellor then prorogued the parliament to the 30th of September; after which it was further prorogued to the 18th of November.

SIXTH AND LAST SESSION OF THE NINTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] November 18, 1746. The King came to the House of Peers and opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen;

"I have called you together as early as the late conclusion of the last session of parliament, and the situation of public affairs would permit. During this recess I have been particularly attentive to extinguish any remains of the late Rebellion, and to re-establish and secure our tranquillity at home, so far as depended upon me. The rest I have reason to expect from your zeal and prudent deliberations; of which the foundation already laid gives me well-grounded hopes.

"In the mean time, the state of the

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war abroad has received a considerable alteration. Though France has made some further progress in the Netherlands, yet the United Provinces, whose interests are so strictly connected with ours, have been preserved from that danger which threatened them at the opening of the campaign, and a considerable army remains there for their defence. It has pleased God to bless the arms of my good allies the empress queen of Hungary and the king of Sardinia with signal success in Italy. The acquisitions made there by our enemies have been recovered from them; their forces, broken and almost ruined, have been obliged to evacuate that country; and an irruption is now actually making into France, whereby the distresses of that kingdom must be greatly increased, and a proportionable diversion made in favour of the Low Countries.

"I have often assured you, that my sole aim, in carrying on this just and necessary war, is a safe and honourable peace. In this view, I have shewed a sincere disposition towards a general pacification: I have consented to the holding of conferences at Breda, in order to try whether our enemies will, in the event, agree to such terms and conditions as may be consistent with the honour of my crown, the security and true interests of my kingdoms, and my engagements to my allies, whom it is my firm resolution not to abandon.

"But whilst we are treating of peace, reason and good policy demand that we should be prepared for war: I am therefore actually concerting with my allies the proper measures for vigorously pursuing the war in another campaign, in case the obstinacy of our enemies should render it necessary. My desire is, to adjust these measures as speedily as possible, that our preparations may be early, that the confederate army in the Netherlands may be augmented in time, and the operations on the side of Italy carried on with effect. It shall also be my particular care, to exert our strength at sea in the most effectual manner, for the defence of my kingdoms and possessions, the protection of the trade of my subjects, and the annoyance of our enemies.

"Gentlemen of the House of Commons;

"I have ordered the estimates for the ensuing year to be prepared and laid before you; and desire you to grant me such supplies as shall be requisite for your own security, and for carrying on such measures as it shall be necessary for Great Britain to pursue in the present important conjuncture. It gives me much concern, to be obliged, at the same time, to acquaint you, that, by reason of the unavoidable accidents and consequences of war, the funds appropriated for the support of my civil government, have, for some years past, fallen greatly short of the revenue intended and granted by parliament. I therefore rely on your known affection to me, to find out some method to make good the deficiency.

"My Lords and Gentlemen;

"Nothing is so valuable and essential to me as your vigorous support: on this I depend. And I trust you will demonstrate it, by the zeal, unanimity, and dispatch of your proceedings."

The Lords' Address of Thanks.] His majesty having retired, their lordships agreed upon the following Address:

"Most Gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty our humble thanks for your most gracious Speech from the throne.

"Your majesty has given fresh proofs of your paternal goodness and care of your kingdoms, in your vigilance to extinguish any remains of the late Rebellion, and to secure and re-establish our tranquillity at home. That unnatural and flagitious enterprise, formed and supported by our most inveterate enemies, as it was aimed against your crown and royal family, struck at the very foundations of the happiness of your people. Your majesty may therefore be assured, that out of duty and affection to your majesty, and love to our country, our most zealous endeavours shall be exerted to perfect that good work, which by your arms, and by your justice, has hitherto been so successfully conducted; and to make such regulations as may be most conducive to the preventing the like evils for the future, and to the repose and security of the whole united kingdom.

"Though we behold, with concern, the progress made by our enemies in the Netherlands, yet it gives us great satisfaction to see the States General of the United Provinces, those ancient and natural allies of Great Britain, still preserved from the ambitious and destructive projects formed against them. At the same time we re-

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joice in the signal successes, with which it has pleased God to bless the magnanimity and steadiness of the empress queen of Hungary, and the king of Sardinia, in Italy. Nothing can be more conformable to the just expectations of this nation, or can contribute more to the advantage of the common cause, and to make France feel those distresses which that power has endeavoured to bring upon others, than the effectual prosecution of those successes, by a powerful invasion of its dominions on that side.

"With the utmost gratitude we acknowledge your majesty's tender regard for your people, in shewing so sincere a disposition towards a general pacification, on safe and honourable terms. Your majesty's arms, taken up only for the just defence of your own rights, and those of your kingdoms, and of the common liberty, will always be directed by that desirable end. And we beg leave with great humility to express our concurrence in that opinion, which your majesty has been pleased so wisely to declare to your parliament, that reason and prudence require our being early prepared for another campaign, in case the obstinacy of our enemies should render it necessary.

"On this account we should be inexcusable, if we did not return your majesty our sincere thanks, for your timely care to enter into a concert with your allies on the proper measures for that purpose; and for your gracious resolution to exert your naval strength in the most effectual manner, for the protection of the most valuable interests of your subjects, and for striking terror into your enemies.

"We beseech your majesty to accept the strongest assurances of our zealous and hearty support in these your salutary views and intentions; and that we will cheerfully concur in all such measures as shall be requisite to strengthen your majesty's hands, either for procuring such a peace as may be consistent with the honour of your crown, the true interest of your people, and your engagements to your allies, or for prosecuting the war with vigour: and we beg leave to renew to your majesty the most unfeigned professions of our entire conviction, that the prosperity and well-being of these kingdoms do, under God, depend on our being secured against the ambitious designs of France, and on the preservation of your majesty's government, and of the Protestant Succession in your royal House."

The King's Answer.] To which Address his majesty gave this Answer;

"My Lords;

"I thank you for this dutiful and affectionate Address. The just sense you express of the present posture of affairs, and your assurances of supporting me and my allies, in procuring a good peace, or prosecuting the war with vigour, give me entire satisfaction. The confidence you repose in me shall always be used for the true interests of my people."

Debate in the Commons on the Address of Thanks.] The Commons having returned to their House, Mr. Campbell moved an Address of Thanks, and was seconded by Mr. Hawkins Brown: Sir John Barnard proposed an Amendment, namely, to leave out the words "balance in a great measure," and to put in their stead "over-balance." He was seconded by sir Wiliam Calvert: but finding the other expression fixed upon, they acquiesced. However, before the Address was agreed to,

Major *Selwyn* rose and said:*

Sir; I have given all the attention I am master of, to what hath been offered in support of the motion now before you, for this Address; and I could wish I had heard any thing yet to convince me that we are ripe for a motion of this sort, notwithstanding the weight of modern complaisance to reconcile it; because when I reflect upon the length of the last session, I cannot help thinking we might have done something for the better preservation of a constitution, not only sick, but almost rotten at heart, as ours is, that wants all the help and restoratives that can be thought of for its relief.

Sir, nothing is, or ought to be permanent that is not perfect; but those who under a false notion of innovations will admit of no change in your constitution, must render errors perpetual, and deprive mankind of the benefits and true use of their reason. For are we not but just recovered out of such a situation, as proves that the reason of man is not always sufficient for the government of man? She often gives up her empire to the passions, and renders it difficult to foresee the effects that may proceed from an infinite variety of accidents, which, according to emergencies, necessarily require altera-

* From the London Magazine.

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tions, at least sufficient to prevent or cure future mischiefs, or to advance a good that perhaps at first was not thought of. Doubtless, Sir, there is no state upon earth so complete in all its parts, in every system of government, but in process of time must need some sort of reformation; and, unhappily for us, ours is defective in many branches of it, but more especially with respect to its political œconomy, as well as its natural defence, &c. But that state hath the least to fear from the insults of an invader, whose people fight merely for the sake of their religion and liberties; as those who have a disciplined militia always did, so much beyond every other state whose safety depends merely upon mercenaries; mercenaries! to whom the principles of popularity and public spirit were ever odious.

The laws and liberties we now enjoy, were procured for us by such of our ancestors as were utter strangers to every system but what conduced to honour and virtue; a government supported upon any other basis ought not to subsist a moment longer, nor is such a one worth contending for; no, not even by those whose depraved minds are not to be gratified by the corruptest government; because those who fight or act for hire only, are always looking out for the best market. So that I hope we shall not let this session pass without a good Militia Bill; for a standing army, even in time of war, was never yet an object that suited the genius of this nation, supposing it kept up with the strictest œconomy, because it is not our natural defence; and I can aver, there hath nothing happened within these twelve months and upwards to render it more acceptable: for be it ever so formidable, it cannot be every where, much less can it prevent invasions or insurrections, when, to our late memorable shame, we were twice baffled by a banditti rabble; and, in all probability, we had been served so a third time, but for the presence of his royal highness the Duke: whereas a well-armed and well-disciplined militia, dispersed over the face of this kingdom, must suppress all risings in the first instance; besides the great benefit we should have of them in every maritime country, to put a stop to that abominable trade of smuggling, without having recourse to a much more abominable practice, of putting your laws in execution by a military force; a precedent, give me leave to tell you, Sir, that must be fatal to the liberties of this kingdom, if not timely prevented.

Sir, the conduct of our late and present patriots, as they presume to call themselves, proves the necessity there is for some alterations in your constitution; because, how inhuman is it for that eloquence, which was given by nature for its defence and preservation, to be employed in its ruin and destruction! Punishments there are for the thief, the murderer, and the bare-faced traitor; but alas! to the grief of all well-disposed minds, there is none for the sordid Orator; I say, Sir, there is none for the sordid Orator, who shall one day display his eloquence in the cause of his country, to show his parts and gain attention; and the next shall convince his injured countrymen, that he is a prostitute to venality, and the purchased slave of a corrupt ministry. What pity is it, that such wretches cannot be brought to condign punishment, without doing violence to the laws of the land! who one day fling out sarcasms against the measures of an administration, as ruinous and destructive, for no other cause but to be admitted principals in it; and the next day pursue the very same measures which they had so emphatically exploded, without the least jot or tittle of alteration in the whole ministerial system. Surely, Sir, if there is one of that abject stile yet in being, how can he stand clear of that 'Occultum quatiente animo tortore flagellum?' Or why should he not expect every moment to be hurled down into that execrable, that most detestable pit, where the worm never dies, and the fire is not quenched?

Sir, I should have no objection to the motion upon your table, could I perceive the least tendency to restore the constitution to its ancient purity. The royal family upon the throne, under whom we enjoy so many blessings, found us in possession of the Triennial Act; and although it might be proper to repeal it upon an extraordinary occasion, yet to continue parliaments to their present length, hath, I fear, been productive of many political misfortunes, subsequent to that alteration. Yet, if ever the good people of South Britain deserved a triennial holiday, it is for that steady loyalty they have so lately shewn, in opposition to those of the northern parts of this kingdom, who have also distinguished themselves, but not at all to their honour or credit. The repealing of the Septennial Act would bring us a little nearer to that happy situation of independency, which Annual Parliaments would undoubtedly complete.

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Thus, such as now think it ill policy to be unattached, or unfashionable to be disengaged, may then come to have nobler views, than to prostitute their legislative trust, conferred upon them by their constituents, who, in all probability, could be no otherwise influenced in their choice, for so short a period, but merely from a personal regard. As I am one of those that shall be ever proud of being so unfashionably *degagée*, as to detest nothing so much as an attachment to any side or set of men whatsoever; so, according to that laudable practice of our ancestors, I shall wait to see some of the many grievances we labour under first redressed, before I can give my assent to the proposition moved and seconded.

The Address was then agreed to as follows:

The Commons' Address of Thanks.] "Most Gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return our humble thanks for your majesty's most gracious Speech from the throne.

"We are truly sensible of your majesty's particular attention to extinguish the remains of the late Rebellion: and we beg leave to assure your majesty, that we will not fail, on our parts, to answer your just expectations, by taking all such further measures as shall appear conducive to re-establish, upon a lasting foundation, the security and tranquillity of your majesty's government.

"We most heartily congratulate your majesty upon the signal success with which it has pleased God to bless the arms of your allies in Italy. The wise and vigorous measures they are jointly pursuing to improve it, by the irruption now actually making into France, give us just ground to hope, that by the happy consequence of that operation, the distresses of our enemies may be so increased, and such advantages gained over them, as may balance, in a great measure, the losses sustained in the other part of the continent.

"We acknowledge, with the deepest sense of gratitude, your majesty's great care and paternal tenderness for your people, expressed in your majesty's endeavours to procure a general pacification: and we do, at the same time, with the greatest duty and affection, assure your majesty, that your faithful Commons will grant such timely and adequate supplies, as may, with the hearty concurrence and united efforts of your allies, enable your majesty either to carry on the war in the most effectual manner, both by sea and land, or to obtain such a peace as may be consistent with the honour of your crown, your engagements to your allies, and the true interest of your people.

"We do humbly assure your majesty, that we will take into our consideration, and make good whatever deficiencies shall appear to us to have arisen in the funds appropriated for the support of your majesty's civil government: and in this, and all other matters recommended to us by your majesty, we will proceed, with that zeal, dispatch, and unanimity, as shall manifest to the world our dutiful attachment to your majesty's person and government, and our constant attention to the welfare and prosperity of your kingdoms."

The King's Answer.] The King's Answer was as follows:

"Gentlemen;

"I thank you for this dutiful and affectionate Address. The firmness you shew on this occasion will, I doubt not, produce good effects. Whatever provision you shall find necessary in the present exigencies, you may depend on my employing for the welfare of my kingdoms, and the prosperity of my people."

Suspension of the Habeas Corpus Act.] The Lords passed a Bill for the further Suspension of the Habeas Corpus Act for three months, and sent it down to the Commons, where it met with some opposition from sir John Hynde Cotton, and Mr. Sydenham. They argued, that the Rebellion being extinguished, there was no occasion for such a violent stretch of law, as the suspension of the great and sacred bulwark of our liberties. And they divided the House upon the second reading of the Bill; but the ministry carried it for agreeing with the Lords, by 134 against 35. On the 20th this Bill received the royal assent; so that it passed both Houses in two days.

Supplies granted.] Mr. *Pelham* said, that the state of affairs upon the continent was such as would require very large supplies of money. The parliament granted all that he demanded; 433,000*l.* was voted to be given to the empress queen of Hungary, and 300,000*l.* to the king of Sardi-

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nia: 18,000 Hanoverian auxiliaries, for the service of the current year, were voted at the expence of 410,000*l.* and 161,607*l.* were granted for 6,000 Hessians. Subsidies were voted for the electors of Cologne, Mentz, and Bavaria, and 500,000*l.* was given to his majesty for carrying on the war. The whole of the money granted on this occasion, was 9,425,254*l.* In order to raise this immense sum, the land tax was laid at 4*s.* in the pound. 4,000,000*l.* were raised by transferrable annuities at 4 per cent. with a premium of 10 per cent. A new tax was laid on houses and windows, as a fund for those annuities; and a fresh tax on coaches and wheel-carriages was resolved on, and to be charged with 1,000,000*l.* to be raised by way of lottery. There remained in the Exchequer of the additional duties on spirituous liquors, granted in 1743, 112,508*l.* 9*s.* 2*d.* The malt tax was computed at 750,000*l.* And 1,000,000*l.* was taken from the surpluses of the Sinking Fund, and his majesty was enabled to raise 500,000*l.* by loans on Exchequer bills, to be charged on the supplies of the next session, to make good the deficiencies in his civil list revenues. And a tax of 5*l.* a year was laid upon every distiller within the bills of mortality, who took out a licence to retail spirituous liquors.

*Debate in the Commons on the Army Estimates.**] December 5. In the Committee of Supply, 33,030 effective men were voted for guards and garrisons for the ensuing year, and 865,066*l.* 19*s.* 2*d.* for maintaining them; after which a motion was made, That 372,788*l.* be granted for 15,196 effective men for the service of the war in Flanders.

Mr. *Fox*, Secretary of War, introduced these motions with an explanation of the Estimates, and an account of the economy in them; his majesty, he said, having, from a tender regard to his subjects, resolved to lessen the expences, by disbanding two troops of his guards, and reducing several regiments of horse to dragoons, as more useful troops; which, by diminishing about 12,000*l.* in the charge of a regiment, would create a saving of about 70,000*l.* per ann. and furnish a more numerous body of troops. He added, that this was his majesty's own act, and must appear to be such, as it could not be imagined that any minister would propose the disbanding so large a part of the guards established so long for the grandeur and security of the royal family, and which were become an appendage to the splendour of the court.

Mr. *Prowse*:

Sir; I do not rise up directly to oppose the present motion, I am too sensible of my own inability, absolutely to decide a question of so great importance, as the present appears to be; I rise up only to suggest to the committee my sentiments upon the occasion, hoping that, if they should appear rational, they will be adopted and supported by some gentleman of greater abilities, than I ever pretended to. With this view I shall briefly mention the objections which, in my apprehension, may be justly made to the present motion. The first, and principal objection is, that such proposition is premature; it appears to me to be calculated to anticipate the judgment of the House upon a future question of the utmost importance. For if we agree to this motion, we come to an absolute declaration, that we will take a share this year in the war on the continent, without previously entering into the examination of our circumstances, whether we are capable of such an undertaking alone, or whether we shall have any, and what assistance from our allies. But this, Sir, I look upon to be a procedure too precipitate to consist with the wisdom and dignity which ought always to attend the proceedings of this House. Besides, if further steps are not taken, the motion, when agreed to, will be to no purpose. No doubt, Sir, it is designed to be introductory of some future measures which will be attended with great expence. And I suppose, that when such measures shall be proposed, reasons will be given to evince the expediency and practicability of them. For indeed it must be obvious to every gentleman, that, without a much greater force than 15,000 men, either of our own troops, or such as we may hire of foreign princes, it will be impossible for us to act upon the continent with any prospect of success. I am sure, Sir, that no man can have a greater desire to see the exorbitant power of France reduced within such bounds as may be consistent with the liberties of the rest of Europe, nor be more ready to support any probable scheme for attaining that end; and therefore I should be far from opposing the employment of our forces upon the continent, could I but

* From the Gentleman's Magazine.

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be persuaded that we should have even a probability of their being so employed with success; but not the least attempt has yet been made to shew such probability. I must own, Sir, that I expected that, previous to any proposition for our engaging in an affair of this moment, we should receive particular information what assistance we may depend upon from our allies, especially the Dutch, whose whole conduct, from the beginning of the war to this hour, has sufficiently demonstrated that they are in no very great haste to take any vigorous resolutions; and I am afraid, Sir, that without their vigorous concurrence we can never hope to carry on the war with any good effect. And, therefore, it will appear highly imprudent to engage in it at all, till we shall have testimonies of a more authentic kind than any we have yet had, that they are willing and ready to exert their whole strength to attain the end proposed; and indeed I confess, were there no other reason for it, this their conduct has been sufficient to warrant the strongest doubts, whether or not the republic will ever be prevailed upon to act with vigour in this affair. It is my opinion, that they will not, and I shall expect stronger reasons than I have yet heard, before I shall alter it. We have been told, Sir, year after year, that our vigorous resolutions would not fail to induce the Dutch to act *totis viribus* in the common cause: in the last session particularly, we were informed that they had implored our assistance and protection, and that they waited only for our being in a capacity, by the suppression of the Rebellion, of joining them, to throw off the mask, and declare war against France, from which they were then deterred by the superiority of the French armies on their frontiers. But how has their conduct answered the expectations which were raised? I do not find that they ever thought of such a declaration of war, or even of acting with all their force in conjunction with the allies; and therefore, Sir, gentlemen must excuse me, if I should, as to myself, require more authentic testimonies of their sincerity than a repetition of the bare conjectures and surmises which have already proved ill-grounded, and in no wise to be depended upon.

This, Sir, is my reason for thinking the present motion premature; since it is not only preparing for, but in reality entering upon, a measure before we have examined either into the propriety of it, or whether we can raise a force sufficient to carry it into execution. I apprehend, Sir, that no damage can possibly result from suspending this determination, till the House might receive further light in the affair; since I find that every other step, without which this can be of no manner of service, is agreed to be deferred; and it will certainly be early enough to agree to the Resolution proposed, when we come to deliberate upon the whole question, and shall know what other troops or subsidies are to be furnished for the same purpose. I would not (I sincerely declare it) propose any delays in an affair of this moment, could I apprehend they would be attended with the least ill consequence; but, as I cannot foresee any such ill consequence; as I think the House ought to receive all the satisfaction, which can be given them with regard to the co-operation of our allies; and as I judge it highly inconsistent with the honour of the House to come to a precipitate resolution on a question of this great importance, I wish that the motion may be withdrawn, and deferred to a more proper season.

Now I am up, I cannot omit the occasion, which the hon. gentleman, who made you this motion, has given me of expressing in particular my most sincere and most humble thanks to his majesty, for the regard which he has been pleased to shew to his faithful subjects, in beginning to reduce the great expence in which, the hon. gentleman says, they are necessarily involved. It must, without doubt, raise the warmest sense of gratitude in the hearts of all his majesty's faithful subjects, as I am sure it does in mine, to see œconomy restored and pursued in any one branch of the public expence. So good and great an example will, I doubt not, be pursued in every other branch, as soon as time shall permit an enquiry into them, and methods can be pointed out for their regulation.

The hon. gentleman has, with great modesty, been pleased to disclaim any merit, that he might assume to himself upon this regulation, by ascribing it all to the royal favour, and though doubtless it is all to be attributed to his majesty's tender affection for his subjects, yet he must give me leave to return my thanks to him likewise, since, I am certain, that his best offices were not wanting to promote so necessary and beneficial a measure.

He must likewise give me leave to congratulate him upon a very remarkable instance of his candour, and the probity of

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his intentions, he being almost the only person I have had the happiness to know, whose actions, when in place, have been correspondent with his declarations when out of place. I could not say less than this: it would be offensive to the modesty of the hon. gentleman to say more.

And yet, Sir, this measure, good as it is, may, (I believe, I may venture to say, will,) be construed in a very different sense by our enemies. I remember that we have been frequently told, since the commencement of the present war, to what a miserable state the French were reduced, and that, if we could hold it out another campaign, they would find it impossible to raise men and money sufficient to carry on the war with vigour, and maintain their superiority; but unfortunately for us, we have but too good reasons to be persuaded, that those conjectures were grounded upon false calculations: and can we imagine that the French will not, upon this occasion, turn the tables upon us? Will not they say, that we are reduced to the greatest degree of necessity, and infer from our conduct, that it will be impossible for us to carry on the war a year longer? The English, they will say, are absolutely undone, they are become bankrupts, and apparently so to the whole world; for the king has been obliged to reduce one half of his houshold troops; troops which have always been reckoned necessary for the dignity and support of his crown: and certainly he could have no motive for this, but mere necessity, even an inability to maintain them: and this, Sir, will certainly be the colour our enemies will give to this step.

I hope, Sir, I am rightly understood; I only say, that this construction will be put upon it by our enemies, who will thence be induced to flatter themselves in their sanguine expectations. But I am satisfied in my own mind that the measure is right, and the only method that can be taken (let our enemies represent it in what light they please) to defeat their destructive and ambitious projects. This is the light wherein I see it; and this is the light in which I am sure it will appear to the rest of his majesty's subjects; and, as such, I take this opportunity to express my thanks in particular to his majesty, which is all I can at present; but I hope an opportunity will soon be offered to do it in a more general and public manner.

The question was then put and agreed to.

Proceedings relating to the Impeachment of Simon Lord Lovat.] December 11. The Chancellor of the Exchequer, by the king's command, communicated to the House of Commons a Letter, signed "Lovat", relating to the Pretender and the late Rebellion. The letter was read, and some persons called in and examined, to prove the hand writing. And then the House immediately resolved to impeach Simon lord Lovat of High Treason.

The House being informed, that the said lord Lovat is now a prisoner in the Tower, they resolve, "That whereas the said peer is already under commitment, this House will therefore not desire the Lords, that he may be committed to safe custody, as hath been usual in cases of like nature."

December 17. A message was brought from the Commons, by sir William Yonge and others: who said, "He was commanded, by the House of Commons, to deliver to this House Articles of Impeachment, of High Treason, against Simon lord Lovat. He said he was also commanded by the Commons, to acquaint their lordships, that they are ready to maintain their charge." And he delivered in the said Articles; which were read, as follow:

ARTICLES OF IMPEACHMENT, OF HIGH TREASON, AGAINST SIMON LORD LOVAT.

"Whereas the imperial crown and government of these kingdoms have been long duly and happily establsihed in the royal family of his present most sacred majesty, upon principles equally conducive to the honour and safety of the crown, and to the protection and liberty of the subject; whereby settled laws are made the common measure of justice to both; and a prerogative, wisely calculated to promote the greater good of the people, and answer the exigencies of government, has been ascertained and secured:

"And whereas the reigns of his present majesty and his royal father have given the strongest and most illustrious proofs of the happy effects of those principles, in the exercise of their legal, mild, and equal administration, under which every subject, from the highest to the lowest, has had his religion, his person, and his property, fully protected by the most inviolable observance of the laws, which have had their free course, without the least interruption on the part of his majesty or of his royal father:

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"Notwithstanding which, there have been found many wicked and ungrateful persons, who have themselves enjoyed all these blessings in common with the rest of their fellow subjects, and yet have been weak and desperate enough, from time to time, to contrive the subversion of this happy establishment, in order to introduce Popish bigotry and superstition instead of the Protestant religion, and an arbitrary tyrannical power instead of a free government; and, as the only means of establishing and perpetuating those great evils, to place the Pretender to his majesty's crown upon the throne of this kingdom; and, the more easily to obtain these ends, have, from time to time, taken advantage of the distresses, which, in the course of human affairs, have happened to their native country, to set on foot and prosecute their traitorous designs.

"And whereas divers of the said traitors to his majesty have laid hold of the opportunity, arising from the just and unavoidable but difficult and expensive wars in which this nation has been for some time engaged, to renew their treasonable conspiracies, for the bringing their wicked purposes to effect, by the assistance of troops and money from his majesty's enemies abroad, and by raising a rebellion at home:

"And whereas, by the instigation of, and in concert with, the said traitors, a great number of French troops, accompanied by the eldest son of the said Pretender, were ready, and had in part embarked, and actually set sail, to invade this kingdom, in the year 1743; but were then prevented from accomplishing their design, by the wise precautions of his majesty, and the good providence of Almighty God:

"And whereas the same traitors, restless and indefatigable in the prosecution of their said wicked and traitorous purposes, hoping that the French, by the great superiority of their numbers in Flanders, might be able to invade this kingdom, and at the same time to prevent the return of his majesty's troops from abroad, for the defence of the nation, did, in the year 1745, encourage the said eldest son of the Pretender to his majesty's crown to land at that critical juncture in this kingdom: who, in pursuance of such encouragement, did actually land in Scotland, and put himself at the head of a large body of armed traitors, and commence and carry on, for a considerable time, a cruel, unnatural, and bloody war against his majesty, within this realm; which has at last been happily suppressed:

I. "Simon lord Lovat, being a subject of his said majesty, one of the said traitors and rebels, and conspiring and joining with them in their said traitorous designs, and havingwithdrawn that due obedience, fidelity, and allegiance, which as a loyal subject he owed, and of right ought to bear, to his said present most sacred majesty, the only true, lawful, and undoubted sovereign of this kingdom, his true and natural lord, did, upon the 31st day of December in the year of our lord 1743, in the shire of Inverness, and on the 28th day of October in the year 1745, in the same shire, and at divers other days, times, and places, wickedly, maliciously, falsely, and traitorously, compass and imagine the death of his said majesty.

II. "And, for accomplishing his said wicked and traitorous purpose, he the said Simon lord Lovat, upon the said 31st day of December in the said year 1743, in the shire of Inverness aforesaid, did traitorously correspond with the said Pretender, obtain and accept a commission from the said Pretender to be a lieutenant-general of his forces, and another commission from the said Pretender to be general of the Highlanders; and did also accept from the said Pretender a patent, or grant, importing to create him the said Simon lord Lovat duke of Fraser; and then and there did traitorously conspire and enter into an association with many other traitors, in order to raise a war and rebellion against his majesty within this realm, and to obtain troops, money, and succours, from France, for that purpose.

III. "And the said Simon lord Lovat did further, falsely and traitorously, at the times and place before particularly mentioned, and at divers other times and places, assemble himself with divers other false traitors and rebels against our said sovereign lord the king, being armed and arrayed in a warlike manner; and did raise, and caused to be raised and assembled, great numbers of armed men, his majesty's subjects, for the service of the said Pretender and his said son; and arrayed, and caused them to be arrayed, in a warlike manner, against his majesty; and did traitorously levy, and cause to be levied, a cruel and unnatural war against his majesty, within this realm, at the times and places aforesaid, in favour of the said Pretender.

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IV. "And, for the more effectual bringing his said treasons and traitorous designs to effect, he the said Simon lord Lovat did, in the month of November, in the said year 1745, traitorously compose, write, and send, and caused to be composed, written, and sent, a treasonable Letter to the said eldest son of the said Pretender, then in arms within this kingdom, and joined by, and at the head of, great numbers of his majesty's subjects, false traitors and rebels against his majesty, then also in arms and rebellion against his majesty within this kingdom; in which Letter, he the said Simon lord Lovat, among other things, expressed the great pleasure it would give him, to end his days in the service of the said Pretender's said son; that he was resolved to send to him his the said lord Lovat's eldest son, to venture his life in his service, and deliver up his clan to him; and further expressed and represented his own great zeal and attachment to the said Pretender and his said son, and their cause and interest, and the service he had done, was doing, and intended to do, for the said Pretender and his said son, with intent and in order to confirm, animate, and encourage, him the said Pretender, his said son, his adherents, and all the other said traitors, in the prosecution of their said treasons and traitorous designs.

V. "And the said Simon lord Lovat, in further prosecution of his said treasons, did, at the times and place before mentioned, and at divers other times and places after the said war and rebellion began, and while the same was carrying on, traitorously compose, write, and send, and cause to be composed, written, and sent, divers other treasonable letters and papers to divers false traitors then openly in arms in this kingdom against his said majesty, and to divers others of his majesty's subjects, and other persons, to assure them of his own zeal and firm attachment to the cause and interest of the said Pretender and his said son, and to confirm, solicit, excite, and persuade them to engage in, continue and prosecute, the said war and rebellion, and to promise and assure them of his assistance therein.

VI. "And, the more effectually to attain the end of his said treasons and treasonable designs, the said Simon lord Lovat did, at the said times and place, and at divers other times and places, traitorously aid and assist the said Pretender's said son, and the said other false traitors and rebels, in the carrying on the said treasons, war, and rebellion, and furnish and provide them with great quantities of arms, ammunition, implements of war, clothes, and other things useful and necessary for that purpose; and also sent his eldest son, and many of his name, family, and dependants, to the assistance of the said Pretender's eldest son, and the said other rebels; and also gave them advice, directions, and instructions, in the prosecution of the said Rebellion.

VII. "And the said Simon lord Lovat further, at the times and place aforesaid, and at divers other times and places, did unlawfully and traitorously hold, entertain, and keep intelligence and correspondence, both in person and by letters, and otherwise, with the said eldest son of the said Pretender, well knowing him to be so, and also with divers other persons who were employed by the said Pretender's said son, and particularly with John Murray of Broughton, esq., Donald Cameron the elder of Lochiel, Donald Cameron the younger of Lochiel, Alexander M'Leod, advocate of Edinburgh, John Roy Stuart, doctor Archibald Cameron, and divers others; all which persons were employed by the said eldest son of the said Pretender in this kingdom, in the said Rebellion, the said Simon lord Lovat well knowing they were so severally employed.

"All which said treasons and crimes above-mentioned were contrived, committed, perpetrated, acted, and done, by the said Simon lord Lovat, against our said present sovereign lord the king, his peace, crown, and dignity, contrary to the duty of his allegiance, and against the laws and statutes of this kingdom.

"Of all which said treasons and crimes, the knights, citizens, and burgesses, in parliament assembled, do, in the name of themselves and all the Commons of Great Britain, impeach the said Simon lord Lovat.

"And the said Commons, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any other accusation or impeachment against the said Simon lord Lovat, and also of replying to the Answer which he shall make to the premises, or any of them, or to any impeachment or accusation that shall be by them exhibited according to the course and proceedings of parliament, do pray, that the said Simon lord Lovat be put to answer all and every the premises; and that such proceedings, examinations, trial,

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and judgment thereupon, may be had and used, as shall be agreeable to law and justice."

The above Articles being read, the duke of Newcastle acquainted the House, that the lord Lovat was already under confinement for High-Treason in the Tower. An order is made for bringing him to the bar on the 18th, to hear the Articles read. He is accordingly brought up on the 18th, and the Articles being read to him, and being asked what he had to offer, a Petition from him is presented and read, praying for a copy of the Articles, and for counsel and a solicitor to be appointed him; which are accordingly granted, and summons for his witnesses.

1747.

January 13, 1747. Lord Lovat being brought to the bar delivered in the following Answer to the above Articles:

"The ANSWER of SIMON Lord FRASER of Lovat, to the Articles of Impeachment of High Treason, exhibited against him, by the name of Simon Lord Lovat, by the Knights, Citizens, and Burgesses, in Parliament assembled, in the name of themselves and all the Commons of Great Britain.

"The said lord, saving and reserving to himself all benefit and advantage of exception to the uncertainties and insufficiencies in the said Articles contained, and also all advantage and privileges belonging to him as a peer of this realm, in Answer to the aforementioned Articles, says, that, being as fully sensible as any British subject of the many blessings these kingdoms have enjoyed under his present and late majesty's mild and equal administration; and having, in the rebellion of 1715, given the strongest proofs of his zeal for, and attachment to, his late majesty, and the succession of the crown in his illustrious family, against such as had undertaken the destruction of both; he cannot but lament his misfortune, to have his fidelity questioned at the end of his days, and himself, when near worn out with age and infirmities, charged with intending the subversion of a government he had, in the strength and vigour of his age, exerted his utmost power and address to support. Under this heavy pressure, attended with many other calamities and misfortunes, particularly his own inability to manage his defence, his only resource is in your lordships' justice; who will, he is well assured, regard only plain facts, not as aggravated by skill and oratory, but as clearly and manifestly proved by the testimony of credible and unexceptionable witnesses.

"Under this firm persuasion, therefore, the said lord, in answer to the first and second Articles, denies that he did wickedly, maliciously, falsely, and traitorously, compass or imagine the death of his said present majesty; or correspond with the Pretender; obtain or accept any commission or commissions, grant or letters patent, from the said Pretender; or traitorously conspire or enter into any association whatsoever, for raising a war or rebellion against his said majesty, within this realm; or for obtaining troops, money, or succours, from France, for that purpose, in manner and form as by the said Articles is alleged.

"To the Third Article; the said lord denies that he did assemble himself with any traitors or rebels; or raise, or cause to be raised or assembled, any armed men, for the service of the said Pretender or his eldest son; or array, or cause to be arrayed, any person or persons whatsoever, against his said majesty; or levy, or cause to be levied, any war against his said majesty, in this realm, in manner and form as in this Article is charged.

"To the Fourth Article; the said lord denies that he did compose, write, or send, or cause to be composed, written, or sent, any letter, paper, or writing whatsoever, to the said Pretender's eldest son, to any such purport or effect as by the said Article is supposed, or to any other purport or effect whatsoever.

"To the Fifth Article; he denies that he did compose, write, or send, or cause to be composed, written, or sent, any letter or letters, paper or papers, to any person or persons, to such purport or effect as by the said Article is alleged.

"To the Sixth Article; he denies that he ever did furnish or provide the said Pretender's eldest son, or any traitors or rebels, with any arms, ammunition, implements of war, or other things useful or necessary for the purpose in the said Article mentioned; nor did he send his eldest son, or any of his name, family, or dependants, to the assistance of the said Pretender's eldest son or any rebels whatsoever; nor encourage, advise, direct, or instruct, any of them in the prosecution of the said Rebellion.

"To the Seventh Article; the said lord

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denies that he ever did hold, entertain, or keep, any intelligence or correspondence with the said Pretender's eldest son, either in person or otherwise; nor did he entertain or keep any correspondence with any other of the persons mentioned in the said Article, or with any other person employed by the said eldest son of the Pretender in the said Rebellion, knowing any of them to be so employed.

"And as to all other matters or things in the said Articles contained, and which is not herein particularly answered (if any such there be), the said lord avers that he is not guilty of them, or any of them, in manner and form as laid in the said Articles, or in any other manner or form whatsoever: And humbly submits himself to your lordships' judgment. LOVAT."

January 22. The Lords appoint the 23rd of February for the Trial of Lord Lovat in Westminster-hall, but it did not take place till the 9th of March.*

* For the Trial at large, see Howell's State Trials, A. D. 1747.

END OF VOL. XIII.

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